



ORDINANCES
OF
THE PROVINCE OF TRANSVAAL
1928

PUBLISHED BY AUTHORITY

And printed under the superintendence of the Government Printer

PRETORIA
THE GOVERNMENT PRINTING AND STATIONERY OFFICE
1928

PRINTED BY THE GOVERNMENT PRINTER, PRETORIA
7667—3/9/28—1,200

CONTENTS.

(ALPHABETICAL.)

NUMBER OF ORDINANCE.	TITLE.	PAGE.
1928.		
1	Additional Appropriation (1927-28).....	1
9	Appropriation (1928-29).....	22
2	Appropriation (Part 1928-29).....	3
15	City of Johannesburg (Private).....	65
6	Education Act Amendment.....	17
16	Education Act Further Amendment.....	66
11	Hawkers and Pedlars.....	31
13	Local Authorities Rating.....	35
4	Local Government Amendment.....	7
20	Local Government Further Amendment.....	121
8	Local Government (Noxious Weeds) Amendment	19
17	Main Reef Road.....	66
3	Motor Vehicle Amendment.....	4
10	Personal and Income Taxes.....	24
18	Public Hospitals.....	76
7	Roads Amendment.....	17
14	Roads Fund Amendment.....	63
19	Shop Hours Amendment.....	117
12	Transvaal Teachers' Pensions Amendment.....	32
21	Unauthorized Expenditure (1926-27).....	122
5	Vermin Destruction Amendment.....	14

AN ORDINANCE

Ord. No. 1
of 1928.

To apply a further sum of money not exceeding £185,643 for the service of the Province of Transvaal for the period from the 1st day of April, 1927, to the 31st day of March, 1928.

(Assented to 23rd March, 1928.)

(Date of operation, 28th March, 1928.)

(English copy signed by Governor-General.)

BE 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, 1927, to the 31st day of March, 1928, both days inclusive, with a further sum not exceeding one hundred and eighty-five thousand six hundred and forty-three pounds in addition to the sums provided for by the Appropriation (1927-1928) Ordinance, 1928.

Provincial
Revenue
Fund charged
with
£185,643.

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. The Road Fund Account is hereby charged with such sums of money as may be required for the period from the 1st day of April, 1927, to the 31st day of March, 1928, both days inclusive, not exceeding seventeen thousand pounds as set forth in the Estimates of Additional Appropriation for the said period as approved by the Provincial Council.

Road Fund
Account.

4. This Ordinance may be cited for all purposes as the Additional Appropriation (1927-1928) Ordinance, 1928.

Short title.

Ord. No. 1
of 1928.

Schedule.

Number of Vote.	Service.	Column. 1.	Column. 2.
		£	
1	For salaries and expenses in respect of General Administration.....	63,770	—
2	For salaries and expenses in respect of Education..... Including the undermentioned service— Grants-in-Aid, Education of Native Children.....	2,220	—
		—	2,220
3	For salaries and expenses in respect of Hospitals and Charitable Institutions.. Including the undermentioned grants— East Rand Hospital..... Hope Convalescent Home for Children Middelburg Hospital..... Paul Kruger Memorial Hospital, Rus- tenburg..... Lichtenburg Diggings Hospital..... Bridgman Memorial Hospital..... Bethal Hospital..... Rustenburg Benevolent Society.... Dutch Reformed Church Committee for Poor Whites..... West Rand Distress Fund.....	24,685	—
		—	5,000
		—	338
		—	539
		—	1,324
		—	333
		—	1,500
		—	400
		—	980
		—	50
		—	163
4	For salaries and expenses in respect of Roads and Local Works..... Including the undermentioned services— Grants-in-Aid to Local Authorities.. Payment to Roads Fund in terms of Roads Fund Ordinance, 1927.....	89,298	—
		—	900
		—	87,500
5	For salaries and expenses in respect of Miscellaneous Services.....	1,170	—
7	For expenses in respect of Capital Expen- diture..... Including the undermentioned service— Land.....	4,500	—
		—	4,500
		£185,643	—
	Roads Fund Account.....	17,000	—

AN ORDINANCE

Ord. No. 2
of 1928.

To apply a Sum not exceeding £350,000 on Account for the service of the Province of Transvaal during the Year ending on the 31st day of March, 1929.

(Assented to 23rd March, 1928.)

(Date of operation, 28th March, 1928.)

(English copy signed by Governor-General.)

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

1. On and after the first day of April, 1928, there may be issued out of the Provincial Revenue Fund such sums of money not exceeding in the aggregate the sum of three hundred and fifty thousand pounds as may from time to time be required for the service of the Province in respect of the year ending on the 31st day of March, 1929, until such time as provision is made therefor by the Council in an Appropriation Ordinance.

£350,000 may be issued out of the Provincial Revenue Fund.

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, 1929, 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 incurred during the financial year ending the thirty-first day of March, 1928, or for which there is no statutory authority shall be deemed to be authorized under this Ordinance.

Issues under this Ordinance to be deemed advances in anticipation.

3. This Ordinance may be cited for all purposes as the Appropriation (Part 1928-1929) Ordinance 1928.

Short title.

Ord. No. 3
of 1928.

AN ORDINANCE

To amend the Motor Vehicle Ordinance, 1915,
in certain respects.

(Assented to 13th April, 1928.)

(Date of operation, 25th April, 1928.)

(English copy signed by Governor-General.)

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

Amendment
of section 2 of
Principal
Law.

1. Section *two* of the Motor Vehicle Ordinance, 1915 (hereinafter referred to as the principal law), shall be and is hereby amended as follows:—

(1) By the deletion from sub-section (4) as amended by section *six* of Ordinance No. 19 of 1927 of the words "Such certificate of registration shall not require renewal" and by the substitution therefor of the following words:—

"Such owner shall not at any time be required to renew such registration certificate with the registering authority which issued the certificate nor shall he be required to pay the fees herein prescribed for such a certificate—

- (i) on his transfer to the area of another registering authority; or
- (ii) in the event of the boundaries of the area in which he was originally registered being altered by the excision from such area of a portion thereof in order that the same may form the area of a new registering authority or a part of the area of another registering authority."

(2) By the deletion from sub-section (6) of the words from "In calculating the horse-power," etc., to and including the words "number of cylinders" and by the substitution therefor of the following words:—

"In calculating the horse-power of a motor-car the formula known as the

R.A.C. (British Treasury) formula shall be followed:—

Ord. No. 3
of 1928.

$$\frac{D^2 \times N}{1613}$$

In this formula 'D' signifies the diameter of the cylinder in millimetres 'N' signifies number of cylinders."

2. Paragraph (c) of sub-section (1) of section *six* of the principal law shall be and is hereby amended by the addition thereto of the following words:—

Amendment
of section 6.

"Every endorsement on any licence made hereunder shall be regarded as *ipso facto* cancelled after the expiry of a period of three years from the date upon which such endorsement was made, provided that no other endorsement was made during the said period. If any such other endorsement be made within the said period the earlier endorsement or endorsements shall continue to operate until a full period of three years shall have elapsed without further endorsement."

3. Section *eight* of the principal law shall be and is hereby amended by the addition thereto of the following new sub-section the said section as originally enacted becoming sub-section (1) thereof:—

Amendment
of section 8.

"(2) Any person who knowingly buys, sells, receives, disposes of, conceals or has in his possession any motor vehicle from which any distinguishing number or identification mark has been removed, defaced, covered, altered or destroyed for the purpose of concealment or misrepresenting the identify of the said motor vehicle shall be guilty of an offence against this Ordinance."

4. Sub-section (3) of section *eleven* of the principal law as amended by section *two* of Ordinance No. 18 of 1927 shall be and is hereby amended by the deletion of the words: "Every pillion used for passengers shall be provided with suitable foot-rests" and by the substitution therefor of the words: "provided that a passenger may be carried on such pillion only where the motor-cycle is fitted with suitable foot-rests for such passenger."

Amendment
of section 11.

Ord. No. 3
of 1928.

Amendment
of section 12

5. Section *twelve* of the principal law shall be and is hereby amended as follows:—

- (1) By the insertion after the words “intoxicating liquor” in paragraph (a) of the words “or narcotic drugs.”
- (2) By the deletion of the words “the penalties prescribed in this Ordinance” and by the substitution therefor of the following words:—

“the following penalties:—

- (i) in respect of a first offence to a fine not exceeding fifteen pounds, or in default of payment to imprisonment for a period not exceeding three months and to the endorsement of his licence or to the suspension of such licence for a period not exceeding six months;
- (ii) in respect of a second offence to a fine not exceeding twenty pounds or to imprisonment without the option of a fine for a period not exceeding one month, and to the suspension of his licence for a period of twelve months;
- (iii) in respect of a third offence to a fine not exceeding fifty pounds or to imprisonment without the option of a fine for a period not exceeding three months or to both such fine and imprisonment, and to the cancellation of his licence.”

Amendment
of section 13.

6. Sub-section (1) of section *thirteen* of the principal law shall be and is hereby amended by the insertion after the word “Pretoria” of the words:—

“and within such other areas or districts as the Administrator, who is hereby authorized so to do, shall declare by notice in the *Provincial Gazette*.”

Amendment
of section 15.

7. Paragraphs (a) and (b) of sub-section (2) of section *fifteen* of the principal law as amended by section *seven* of Ordinance No. 7 of 1927 shall be and are hereby amended respectively by the insertion after the words “fine of” of the words “not less than.”

8. Section *eighteen* of the principal law as amended by section *seven* of Ordinance No. 19 of 1927 shall be and is hereby amended as follows:—

Amendment
of section 18

Ord. No. 3
of 1928.

- (1) (a) By the insertion before the words "All fees" in sub-section (1) thereof of the words "Save as is provided in sub-section (4) hereof" and
- (b) by the deletion from paragraph (a) of the said sub-section wherever they occur of the words "out of the Provincial Revenue Fund."
- (2) By the addition thereto of the following new sub-section:—

"(4) All fees received by any local authority in respect of—
drivers' licences and duplicate drivers' licences, manufacturers' or dealers' licences and transfer of motor vehicle licences

from persons residing within its area of jurisdiction shall be the property of such local authority and shall form part of the revenue of such local authority."

9. This Ordinance may be cited for all purposes as the Motor Vehicle Amendment Ordinance, 1928, and shall be read as one with the principal law.

Short title.

AN ORDINANCE

To amend the Local Government Ordinance, 1926, in certain respects.

Ord. No. 4
of 1928.

(Assented to 18th April, 1928.)

(Date of operation, 25th April, 1928.)

(English copy signed by Governor-General.)

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

1. Section *nineteen* of the Local Government Ordinance, 1926 (hereinafter referred to as the principal law) shall be and is hereby

Amendment
of section 19
of principal
law.

Ord. No. 4
of 1928.

amended by the deletion therefrom of sub-sections (1) and (2) and by the substitution therefor of the following new sub-sections:—

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

(2) The council may also grant as a personal allowance payable monthly to the mayor an amount in the aggregate not exceeding one-third of the allowance fixed under sub-section (1) of this section. The said personal allowance shall not be deemed to fall within the provisions of Chapter IV of this Ordinance. The expenditure of such allowance shall not be subject to any audit, the mayor’s signature therefor being sufficient.”

Amendment
of section 49
of Afrikaans
version.

2. The Afrikaans version of section *forty-nine* of the principal law shall be and is hereby amended by the deletion from the concluding paragraph thereof of the words “en ses pennies.”

Amendment
of
section 60.

3. Section *sixty* of the principal law shall be and is hereby amended by the addition thereto of the following new sub-section (3):—

“(3) The provisions of this section and of the preceding section shall apply *mutatis mutandis* to the audit of any fund established under sub-section (33) of section *seventy-nine* of this Ordinance.”

Amendment
of
section 66.

4. The English version of section *sixty-six* of the principal law shall be and is hereby amended by the deletion of the word “registries” in the twenty-fifth line and by the substitution therefor of the word “registers”.

5. Section *seventy-nine* of the principal law shall be and is hereby amended as follows:—

Amendment
of
section 79.

Ord. No. 4
of 1928.

- (1) By the addition of the following words to sub-section (3):

“ and compel the burial of dead bodies in a proper burial ground or cemetery within or without the municipality.”

- (2) By the addition to sub-section (14) of the following new paragraph (*b*), the said sub-section as originally enacted to be regarded as paragraph (*a*) thereof:

“ (*b*) establish, erect, equip, maintain, regulate and carry on buildings or depots for the reception and storage of perishable goods, fruit and vegetables and to compel hawkers and pedlars of such goods to store in such depots all such goods as may be unsold in cases where other suitable storage accommodation is in the opinion of the council not available and to make charges in connection therewith.”

- (3) By the insertion immediately after the words “ horticultural societies ” in subparagraph (iii) of paragraph (*a*) of sub-section (15) of the words “ poultry clubs.”

- (4) By the addition to paragraph (*c*) (i) of sub-section (33) of the following proviso:

“ provided that anything to the contrary in this Ordinance notwithstanding any such by-laws may be amended by the joint board referred to in paragraph (ii) hereof. Any amendment made by such board shall be submitted for confirmation and adoption by each of the councils concerned. If each of the said councils agree by resolution to adopt the said amendment such board shall advertise its resolution adopting the amendment once in the *Provincial Gazette* and once in one or more newspapers circulating in the municipalities concerned and shall thereafter submit such amendment for the approval of the Administrator.”

- (5) By the deletion of sub-section (47) and by the substitution therefor of the following new sub-section:

Ord. No. 4
of 1928.

Section 5.

“(47) By order in writing under the hand of the town clerk require the owner of any land abutting upon any public place within the municipality to do any of the following acts :

- (i) to remove or trim trees or hedges overhanging the street or growing at the corner of two streets, where the council is of opinion that removal or trimming is necessary to prevent—

injury to the street;

obstruction or danger to traffic;

obstruction to any furrow, ditch or drain belonging to the street;

or to permit an uninterrupted view over such trees or hedges for a distance in each street of not less than ten feet from the corner; provided that an owner shall not be required to trim any such trees or hedges to a height of less than five feet from the ground;

- (ii) to cut down and remove all obstructions to traffic or drainage along the whole frontage of land occupied or owned by him.

Provided that—

(a) Within ten days after service of the order, such owner may apply to the magistrate for institution of an inquiry for the purpose of determining whether the order should or should not be set aside.

(b) After due investigation, the magistrate, whose decision shall be final, shall determine whether the order should or should not be set aside, and in the former case the order shall be deemed to be void.

(c) In the case of an order which is not set aside as aforesaid, if the owner fails to do any such act in compliance therewith within one month from the service thereof, or where an inquiry has been held by the magistrate as aforesaid;

Ord. No. 4
of 1928.

then within one month after the date upon which the magistrate's decision was given, he shall be liable to a fine not exceeding one pound (£1) for every day thereafter during which such failure continues and the council may enter on the land and do such act and recover the cost from him.

- (d) The said cost shall be a charge upon the land and may be recovered as rates are recoverable under the Local Authorities Rating Ordinance 1912 and any amendment thereof.

6. Section *eighty* of the principal law shall be and is hereby amended as follows:—

Amendment
of
section 80.

- (1) By the addition of the following new paragraphs (b) and (c) to sub-section (23) the said sub-section as originally enacted being regarded as paragraph (a) thereof:

“(b) for licensing regulating and supervising fresh produce dealers as defined in item 10 of Part I of the Second Schedule to the Licences Consolidation Act, No. 32 of 1925;”

“(c) for prescribing the conditions subject to compliance with which any bread, cakes, pastries and confectionery (hereinafter in this paragraph referred to as bakery products) produced or prepared outside the municipality may be introduced, distributed, stored, sold or used within the municipality and for prohibiting the introduction, distribution, storage, sale or use within the municipality of such bakery products in respect of which such conditions are not complied with.”

- (2) By the insertion after the word “licensing in the first line of sub-section (26) of the words “ inspecting, supervising.”
- (3) By the deletion of sub-section (27) and by the substitution therefor of the following new sub-section:

“(27) for restricting, regulating, supervising and licensing pedlars and

Ord. No. 4
of 1928.

Section 6.

hawkers (including the prohibition of trading within specified limits of time or place) provided that no person mentioned in the exemptions to items 12 and 19 of Part I Trading Licences of the Second Schedule to the Licences Consolidation Act No. 32 of 1925 and any amendment thereof shall be required to take out a pedlar's or a hawker's licence."

- (4) By the addition of the following words to sub-section (36):

" and for compelling consumers of water to provide suitable places within their premises in which to fix such meters."

- (5) By the addition to sub-section (43) of the following new paragraph (b) the said sub-section as originally enacted being regarded as paragraph (a) thereof:

" (b) for requiring all holes, wells, pits, excavations, ponds and the like in any premises not effectively fenced or enclosed to be filled in or to be adequately protected."

- (6) By the addition of the following new paragraph to sub-section (88):

" (c) for preventing the dangerous or mischievous use in public places of gunpowder or other combustibles."

- (7) By the addition of the following new paragraphs to sub-section (89) the said sub-section as originally enacted being regarded as paragraph (a) thereof:

" (b) for regulating, restricting or prohibiting the playing of gramophones and the use of loud speakers or similar devices operated by electricity or otherwise for the purpose of advertising on or adjacent to any public place;

(c) for granting permission to use streets, pavements and sidewalks for the purpose of erecting thereon petrol pumps or devices for the supply of motor fuel oil air and water and for fixing a rent or charge for such use and the duration and conditions of such user."

- (8) By the addition to sub-section (99) of the following words:—

“ and for regulating or prohibiting the keeping or storing of raw celluloid and cinematograph film and for prescribing the conditions under which such inflammable substances may be kept or stored on any premises.”

Ord. No. 4
of 1928.

- (9) By the addition of the following new sub-sections:

“(119) for licensing, regulating and supervising cobblers;

(120) for regulating, supervising and licensing market agents;

(121) for fixing a fee not exceeding two shillings for each and every certificate issued by the council under this or under any other Ordinance.”

7. Section *eighty-three* of the principal law shall be and is hereby amended by the deletion from sub-section (1) thereof of the words “ the inhabitants of the municipality with.” Amendment
of
section 83.

8. Section *one hundred and forty-three* of the principal law shall be and is hereby amended as follows:— Amendment
of
section 143.

- (1) By the deletion from sub-section (1)—

(a) of the words “ save as is provided under sub-section (3) hereof;”

(b) of paragraph (a) thereof.

- (2) By the repeal of sub-section (3).

9. Sub-section (1) of section *one hundred and forty-nine* of the principal law shall be and is hereby amended by the deletion of paragraph (a) and by the substitution therefor of the following new paragraph:— Amendment
of
section 149.

“(a) for conferring upon the committee any or all of the powers mentioned in sub-sections (1), (2), (3), (4), (5), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (26), (27), (32), (36) and (40) of section *seventy-nine*, for all or any of the purposes mentioned in section *eighty* and for applying *mutatis mutandis* to the committee's area of jurisdiction either wholly or in part Part II of Chapter VI and of Part I of Chapter VII of this Ordinance.”

Ord. No. 4
of 1928.

Amendment
of section
157.

10. Sub-section (9) of section *one hundred and fifty-seven* of the principal law shall be and is hereby amended by the deletion therefrom of the words and letters in brackets “ paragraphs (a) and (b) ” and the substitution therefor of the words and letters in brackets “ paragraphs (c) and (d). ”

Amendment
of section
192 of
Afrikaans
version.

11. The Afrikaans version of section *one hundred and ninety-two* of the principal law shall be and is hereby repealed and there shall be substituted therefor the following new section *one hundred and ninety-two* :—

“ 192. Alle aanklagte teen 'n plaaslike outoriteit sal aanhangende gemaak word binne ses maande van die tyd waarop die oorsake ten gevolge waarvan hulle gemaak is, ontstaan is. ”

Repeal of
certain
laws.

12. The following laws shall be and are hereby repealed :—

(1) Law No. 16 of 1895 (Regulations for vehicles which are for hire on public squares or streets in Pretoria);

(2) The Pretoria Municipal Private Ordinance No. 3 of 1912.

Short Title.

13. This Ordinance may be cited for all purposes as the Local Government Amendment Ordinance, 1928.

Ord. No. 5
of 1928.

AN ORDINANCE

To amend the Vermin Destruction Ordinance, 1925,
in certain respects.

(Assented to 21st April, 1928.)

(Date of operation, 9th May, 1928.)

(English copy signed by Governor-General.)

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

Amendment
of section *one*
of principal
law.

1. Section *one* of the Vermin Destruction Ordinance 1925 (hereinafter referred to as the principal law) shall be and is hereby amended by the insertion after the word “ district ” in the first line of the definition of “ ward ” of the words “ or portion of a district. ”

2. Section *three* of the principal law shall be and is hereby amended as follows:—

Amendment
of section
three.

Ord. No. 5
of 1928.

- (1) By the addition of the following words to sub-section (1):—

“ Upon the registration of any vermin club hereunder the Administrator shall cause a notification thereof to be transmitted to the secretary of such club.”

- (2) By the addition to sub-section (1) of the following new paragraphs (b) and (c) the said sub-section as originally enacted being regarded as paragraph (a) thereof:—

“ (b) It shall be the duty of every registered vermin club to cause to be kept an official club register in which shall be regularly entered—

- (i) the names and addresses of the members of the club;
- (ii) the number and description of the dogs employed for hunting purposes and their owners;
- (iii) the number of hunts made during the period 1st January to 30th November in any year and the names of members who took part therein;
- (iv) the number and description of vermin killed and recovered during the year.

“ (c) It shall be competent for any vermin club to impose a fine of not exceeding ten shillings on any member who fails to attend two consecutive official hunts. If a member is unable to attend a hunt, he may supply a substitute who shall be a male European not under the age of fifteen years. In such case the member shall be deemed not to have been absent. Any fine so imposed shall be paid within fourteen days, failing which, the same may be recovered by civil action in any competent court by the captain suing on behalf of the club.”

Ord. No. 5 of 1928. Amendment of section *six*. 3. Section *six* of the principal law shall be and is hereby amended:

- (1) by the deletion of the word "Administrator" wherever it occurs and by the substitution therefor of the word "magistrate";
- (2) in sub-section (1) by the deletion of the word "seven" and by the substitution therefor of the word "two."

Amendment of section *ten*. 4. Sub-section (4) of section *ten* of the principal law shall be and is hereby amended by the insertion after the word "application" in the second line thereof of the words "to the receiver of revenue."

Amendment of section *eleven*. 5. Section *eleven* of the principal law shall be and is hereby repealed and there shall be substituted therefor the following new section:—

" 11. The Administrator may from time to time make regulations for any or all of the following purposes:—

- (1) Limiting the membership of a vermin club to persons resident in the ward for which such club is registered;
- (2) for requiring the submission by vermin clubs of any returns or information that may be required by the Administrator and for prescribing the form in which such returns or information shall be rendered;
- (3) generally for the better carrying out of the objects and purposes of this Ordinance."

Short title. 6. This Ordinance may be cited for all purposes as the Vermin Destruction Amendment Ordinance 1928 and shall be read as one with the principal law.

AN ORDINANCE

To Amend the Education Act, 1907.

Ord. No. 6
of 1928.

(Assented to 21st April, 1928.)

(Date of operation, 9th May, 1928.)

(English copy signed by Governor-General.)

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

1. Section *five* of the Education Act, 1907 (herein after called the principal law) as amended by the Education Act Amendment Ordinance, 1927, shall be and is hereby amended by the addition of the following words to paragraph (f):—

Amendment
of section 5
of principal
law.

“and to make grants in aid of the maintenance of children while in attendance at such schools.”

2. This Ordinance may be cited for all purposes as the Education Act Amendment Ordinance, 1928.

Short Title.

AN ORDINANCE

To Amend the Roads Ordinance, 1912.

Ord. No. 7
of 1928.

(Assented to 21st April, 1928.)

(Date of operation, 9th May, 1928.)

(English copy signed by Governor-General.)

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

1. Section *two* of the Roads Ordinance, 1912 (hereinafter in this Ordinance referred to as the principal law) shall be and is hereby amended in the following respects:—

Amendment
of section 2
of principal
law.

(1) By the addition thereto of the following new definition:—

“Municipality” shall mean the area or district placed under the control and jurisdiction of a town council or of a village council or of an incorporated health committee, but shall not include

Ord. No. 7
of 1928.

the area of jurisdiction of a health committee which has not been declared a corporate body under sub-section (3) of section *one hundred and forty-nine* of the Local Government Ordinance, 1926.

(2) (a) By the deletion of paragraph (b) of the definition of "public road" and by the substitution therefor of the following new paragraph:—

"(b) 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."

(b) By the deletion of the proviso to the said definition and by the substitution therefor of the following new proviso:—

"Provided that nothing in this Ordinance contained shall apply to any road within a municipality, nor to any road outside a municipality but within an area of land 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
- (iii) the area of jurisdiction of a health committee which has not been declared a corporate body."

Powers of
Administrator in
respect of
certain roads.

2. (1) Anything to the contrary in the principal law or any amendment thereof notwithstanding if the Administrator shall in his discretion at any time consider it necessary in the public interest it shall be lawful for him to construct, maintain, or repair any road passing through any of the areas referred to in paragraphs (i), (ii), and (iii) of the proviso to the definition of "public road" in section *two* of the principal law, as amended by this Ordinance, provided that such road connects up with and is a continuation of a main road outside any of such areas.

(2) If and while the Administrator shall exercise the powers conferred upon him by the preceding sub-section in respect of any road mentioned therein,

the provisions of the principal law and any amendment thereof shall apply as if such road were a public road.

Ord. No. 7
of 1928.

3. This Ordinance may be cited for all purposes as the Roads Amendment Ordinance, 1928, and shall be read as one with the principal law and any amendment thereof. Short title.

AN ORDINANCE

Ord. No. 8
of 1928.

To amend the Local Government Ordinance, 1926, so as to confer upon the Administrator certain powers in relation to the Eradication of Noxious Weeds in areas under the jurisdiction of Local Authorities.

(Assented to 25th April, 1928.)

(Date of operation, 9th May, 1928.)

(English copy signed by Governor-General.)

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

1. (1) Anything to the contrary in the Local Government Ordinance 1926 or any amendment thereof (hereinafter referred to as the principal law) notwithstanding the Administrator may from time to time by proclamation in the *Provincial Gazette* proclaim any weeds as noxious weeds within any area of a local authority's jurisdiction in addition to the weeds mentioned in sub-section (34) of section *eighty* of the principal law and as from the date of any such proclamation the names of any such weeds proclaimed as aforesaid shall be deemed to be incorporated in any by-laws or regulations made under that sub-section and in force in such area, and all the provisions of the said by-laws or regulations in regard to the eradication of such weeds shall apply as if the same had been declared by the local authority as noxious weeds within its area of jurisdiction.

Power of Administrator to authorise inspection of land for noxious weeds.

(2) The Administrator may from time to time authorise an officer of the Transvaal Provincial Administration or any other person

Ord. No. 8
of 1928.

to enter upon any land within the area of jurisdiction of any local authority and to inspect the same for the purpose of ascertaining whether or not any noxious weeds declared as such under any by-laws or regulations in force in such area exist and may confer upon such officer or other person such powers of inspection and inquiry as the local authority is authorised to confer upon its officers and servants under section *seventy-one* of the principal law.

(3) It shall be the duty of the town clerk or secretary of the local authority upon application to furnish any person authorised under sub-section (2) hereof free of charge with a copy of the by-laws or regulations relating to the eradication of noxious weeds in force within the area of the local authority's jurisdiction.

(4) If such officer or person discovers any noxious weeds as aforesaid upon any land, he shall by notice in writing to the town clerk or secretary of the local authority require the local authority to take action to have such land cleared of all such weeds in terms of its by-laws or regulations. Such notice shall indicate the particular noxious weed or weeds found upon the land and as nearly as may be the situation of the land on which the said weed or weeds were found. If the local authority shall fail to take such action within the said period such officer or person shall report the matter to the Administrator.

Power of Administrator where local authority defaults in matter of eradication of noxious weeds.

2. If any local authority having the power to make by-laws relating to the eradication of noxious weeds shall fail to exercise such power in respect of all or any of such weeds as are mentioned in sub-section (34) of section *eighty* of the principal law or of all or any of such weeds as are proclaimed by the Administrator under sub-section (1) of section *one* hereof or if any local authority whatever shall fail to enforce such by-laws or regulations or such by-laws or regulations as amended by any Proclamation issued under this Ordinance in force in its area of jurisdiction or shall itself fail to eradicate such weeds on its own land or on land under its control or management or in or on any public place, and any such failure as aforesaid on the part of a local authority constitutes in the opinion of the Administrator a menace to the agricultural

interests of the public within or without its area of jurisdiction, the Administrator may give notice to the local authority in default requiring it to take measures within its powers under the principal law to eradicate and destroy or cause to be eradicated and destroyed all such weeds; and if such local authority fail to take and properly carry out the required measures, the Administrator, on satisfying himself that the local authority has so failed without reasonable cause, may—

- (a) proclaim such regulations as may be necessary to abate and remove such menace, which regulations shall, until repealed by the Administrator, thereupon have the force and effect of law within the area of jurisdiction of the said local authority;
- (b) authorise any person or persons to do or carry out any work or things and to expend such sum in so doing or carrying out things as to him may seem necessary; provided that any money expended by the Administrator under this section shall be recoverable by the Administrator from the local authority on the order of any competent court in like manner as if the sum so expended was a loan secured on the property and revenues of the local authority under the provisions of section *fifty-one* of the principal law; provided further that, in the case of a local authority for whose area of jurisdiction the provisions of the Local Authorities Rating Ordinance 1912 or any amendment thereof do not apply, the Administrator may proclaim that the provisions of that Ordinance or amendment thereof shall apply for the purposes of assessing property within the area of jurisdiction of the said local authority, and of levying assessment rates on such property of such amount and for such period as shall produce a sum equivalent to the expenditure incurred by the Administrator under and for the purposes of this section.

3. This Ordinance may be cited for all purposes as the Local Government (Noxious Weeds) Amendment Ordinance 1928 and shall be read as one with the principal law. Short title.

Ord. No. 9
of 1928.

AN ORDINANCE

To apply a sum not exceeding £4,612,821 towards the Service of the Province of Transvaal during the year ending on the 31st day of March, 1929.

(Assented to 1st May, 1928.)

(Date of operation, 9th May, 1928.)

(English copy signed by Governor-General.)

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

Provincial
Revenue
Fund
charged with
£4,612,821.

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, 1929, not exceeding in the aggregate the sum of four million six hundred and twelve thousand eight hundred and twenty-one pounds, as follows:—

To defray normal or recurrent expenditure	£4,169,918
To defray capital or non-recurrent expenditure	442,903

How money
to be applied.

2. The money appropriated by this Ordinance shall be applied to the services detailed in the schedule hereto, and more particularly specified in the Estimates of Expenditure (No. T.P. 3 and 6 of 1928) as approved by the Provincial Council, and subject to section *three* hereof and to no other purpose.

Adminis-
trator may
authorize
variations.

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

Roads Fund
Account
charged with
£202,000.

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, 1929, not exceeding in the aggregate the sum of two hundred and two thousand pounds.

5. This Ordinance may be cited for all Short title. **Ord. No. 9**
 purposes as the Appropriation (1928-1929) **of 1928.**
 Ordinance, 1928.

SCHEDULE.

No. of Vote.	Service.	Column 1.	Column 2.
		£	£
1	For salaries and expenses in respect of General Administration..... Including the undermentioned services:— Grants-in-aid to Public Libraries..... Refunds to Local Authorities in respect of Motor Vehicle Licence Fees....	165,888 — —	— 1,500 77,000
2	For salaries and expenses in respect of Education.... Including the undermentioned services:— Grants-in-aid to Aided Farm Schools..... Grants-in-aid to Private Schools..... Education of Native Children.....	2,782,733 — — —	— 4,400 4,289 85,355
3	For salaries and expenses in respect of Hospitals and Charitable Institutions, including Poor Relief.... Including the undermentioned services:— Grants-in-aid to Hospitals Grants-in-aid to Charitable Institutions.....	457,608 — —	— 23,122 30,725
	For salaries and expenses in respect of Roads and Local Works..... Including the undermentioned services:— Grants-in-aid to Local Authorities..... Payment to Roads Fund in terms of Roads Fund Ordinance, 1927.....	454,138 — —	— 24,200 148,000
5	For salaries and expenses in respect of Miscellaneous Services..... Including the undermentioned services:— Grant-in-aid to National Park..... Grants-in-aid to Angling Associations.....	7,923 — —	— 3,000 25
6	For expenses in respect of Interest and Redemption	301,628	—
7	For expenses in respect of Capital Expenditure.....	442,903	—

APPROPRIATION (1928-1929).
PERSONAL AND INCOME TAXES.

Ord. No. 9
of 1928.

No. of Vote.	Service.	Column 1.	Column 2.
	Including the undermen- tioned services :—		
	Buildings.....	—	268,762
	Bridges.....	—	47,750
	Land.....	—	12,200
	Roads.....	—	77,625
	Unemployed.....	—	18,000
	Warmbaths Improvements	—	9,000
	Special Grant from Union Government for Road Construction.....	—	866
	Expenditure under Muni- cipal Main Roads Ordi- nance, No. 13 of 1926..	—	8,700
		£ 4,612,821	
	Roads Fund Account.....£	202,000	

Ord. No. 10
of 1928.

AN ORDINANCE

**To provide for the Imposition of Taxes on Persons and
Incomes of Persons resident in the Province.**

(Assented to 1st May, 1928.)

(Date of operation, 9th May, 1928.)

(English copy signed by Governor-General.)

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

Definitions. 1. In this Ordinance, unless inconsistent with the context:—

“ Administrator ” shall mean the officer appointed under section *sixty-eight* of the South Africa Act 1909 and any amendment thereof acting on the authority of the Executive Committee.

“ Commissioner ” shall mean the Commissioner for Inland Revenue or any person lawfully acting in that capacity or on his behalf.

Ord. No. 10
of 1928.

- “ Income Tax payer ” shall mean any individual liable to normal or super tax as defined in and assessed in accordance with the income tax laws of the Union in respect of the year of assessment ended on the 30th June in the year preceding the year in which any tax imposed by this Ordinance becomes due.
- “ Native ” shall mean any person who is a member of an aboriginal race or tribe of Africa.
- “ Resident in the Province ” shall mean resident within the Province of Transvaal for not less than ninety consecutive days during the twelve months ending upon the date upon which any tax imposed under this Ordinance becomes due. A period of residence by any taxpayer shall be deemed to have been for a number of consecutive days notwithstanding the temporary absence of such person from the Province during any portion of such period, and to have been continuous during that period.
- “ Revenue Officer ” shall mean any Receiver of Revenue or any other officer acting as the authorized collector of inland revenues for any area.

2. Subject to the limitations and exemptions mentioned in this Ordinance there shall be charged, levied, and collected annually:— Levy of Tax
and rates.

- (1) A tax upon every person resident in the Province over the age of twenty-one years at the following rates:—
- (a) If such person is married at the date the tax becomes due £1. 10s. 0d.
- (b) If such person is unmarried and is under the age of twenty-five years when the tax becomes due £1. 10s. 0d.
- (c) If such person is unmarried and is of the age of twenty-five years or over when the tax becomes due:—
- (i) if his taxable income for the twelve months ending on the date the tax becomes due was under £100: £1. 10s. 0d.
- (ii) if his taxable income for the twelve months ending on the date the tax becomes due was £100 or over: £2. 5s. 0d.

Ord. No. 10
of 1928.

- (2) A tax upon the income of every person resident in the Province being an Income taxpayer at the following rates:
- (a) If such person is married at the date the tax becomes due ~~10~~ per cent., calculated on each completed shilling, of the amount of normal and/or super-tax paid or payable under the Income Tax Acts of the Union in respect of the year of assessment ended on the 30th June in the year preceding the year in which the tax under this Ordinance becomes due.
- (b) If such person is unmarried at the date the tax becomes due ~~22½~~ per cent., calculated on each completed shilling, of amount of normal and/or super-tax paid or payable under the Income Tax Acts of the Union in respect of the year of assessment ended on the 30th June in the year preceding the year in which the tax under this Ordinance becomes due.

Widows,
widowers,
and divorced
persons.

3. For the purpose of this Ordinance a widow, widower or divorced person shall be deemed to be unmarried, provided that a widow, widower, or a divorced person supporting a minor child or children and an unmarried person who is the sole support of a parent shall be deemed to be married.

When due
and to whom
payable.

4. (1) Any tax levied under the provisions of this Ordinance shall be due on the 30th June in each and every year and shall be paid to the revenue officer of the district in which the taxpayer resides, or at such other place as the Commissioner may prescribe.

(2) Any person who fails to pay the tax due under sub-section (1) of section *two* of the Ordinance on or before the prescribed date in any year shall pay in addition to the tax a penalty calculated at the rate of 10 per cent. of the amount of the tax for every month or part of a month during which such taxpayer is in default.

(3) Any person who fails to pay the tax due under sub-section (2) of section *two* of the Ordinance on or before the prescribed date or within 30 days after the date of the relative

Union normal and/or super-tax assessment shall pay in addition to the tax a penalty calculated at the following rates:—

If the tax does not exceed £10 at the rate of 30 per cent. per annum.

If the tax exceeds £10 but does not exceed £25 at the rate of 25 per cent. per annum.

If the tax exceeds £25 but does not exceed £50 at the rate of 15 per cent. per annum.

If the tax exceeds £50 at the rate of 12 per cent. per annum

calculated upon each completed one pound of the amount of the tax over the period in which such person is in default, provided that the amount of any penalty imposed shall not exceed the amount of the tax. No person shall be entitled to postpone payment of this tax on the ground that he has not received his Union Income Tax assessment unless he has received the written permission of the revenue officer so to do.

(4) The prescribed date shall be the fourth day of October following the date upon which the tax becomes due; provided that the Commissioner by public notice may appoint any other day not later than the tenth day of October in such year to be the prescribed date for any year.

5. (1) Every person liable to a tax under this Ordinance shall furnish to the revenue officer a declaration on the prescribed form giving such particulars as may be required to determine his liability to such tax. Declarations.

(2) For the purpose of verifying the amount of tax payable by any income tax payer the revenue officer may call upon such person to produce for his inspection any Union Income Tax receipt or other document required to establish the amount of tax payable under this Ordinance.

(3) 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 the provisions of this Ordinance and no access thereto for any other purpose shall be permitted.

(4) Should any person fail, neglect or refuse to furnish any declaration or other documentary proof prescribed by this section, he shall be guilty of an offence and liable on conviction to the penalty prescribed in section *fourteen*.

Ord. No. 10 Failure to
of 1928. make
declaration.

6. Any person may be required by a revenue officer to make a declaration on the prescribed form for the purpose of determining any liability under this Ordinance, and in the event of any person failing to make a declaration when required to do so, the revenue officer may assess the amount of tax payable by such person and the amount so assessed shall be final and conclusive as to the liability of such person under this Ordinance.

Duty of
employers to
furnish
returns.

7. It shall be the duty of any employer on demand to furnish to the revenue officer, within thirty days of such demand, a return on the prescribed form giving such particulars as may be required in regard to any person employed by him at the 30th June in any year. Should any employer fail to furnish the aforesaid return within the prescribed period or omit any essential particulars, he shall, in addition to the penalties prescribed in section *fourteen* be personally liable for any tax not recovered from any person whose liability would have been disclosed by such a return.

Exemptions.

8. There shall be exempt from any tax imposed under this Ordinance—

(1) All ~~males~~ females except those who are income tax payers; provided that a married woman who is an income tax payer by virtue only of the provisions of section *forty-six* of Act No. 40 of 1925 shall not be liable for the personal tax imposed by this Ordinance.

(2) Any ~~male~~ adult who is certified by the magistrate of the district or resident justice of the peace within whose jurisdiction the claimant resides to be indigent; provided that the Administrator may from time to time instruct magistrates and resident justices of the peace as to the principles to be followed in determining when such adult may be considered to be indigent.

(3) Any ~~male~~ adult who satisfies the magistrate of the district in which the institution is situated that he regularly attended an educational institution as a whole-time student during the three months immediately preceding the due date of the tax and is not required by law to render an income tax return in respect of the year of assessment ending on that date.

(4) Any leper, or mentally deficient person who is not an income tax payer.

(5) Any male adult of sixty years of age or over at the date the tax becomes due who is not an income tax payer.

(6) Any native.

Ord. No.
of 1928.

Provided that the Commissioner or person authorized by him shall issue an exemption certificate on a prescribed form in every case of exemption granted under (2) and (3) of this section.

9. Any tax and/or penalty imposed 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.

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

Fines.

11. The Commissioner may from time to time prescribe any forms or declarations required for the purposes of this Ordinance.

Prescribed
forms.

12. In the case of any person absent from the Province the agent of such person shall be liable for payment of the tax. For the purposes of this Ordinance the revenue officer of the district in which such person is normally resident may declare any person having the management, control or custody of moneys belonging to any person so absent to be the agent for such person.

Agent liable
for tax of
persons
absent from
Province.

13. Notwithstanding anything to the contrary in this Ordinance any person liable for any tax imposed thereunder may make application to the revenue officer of the district in which he resides before the prescribed date for payment of the tax under section *four* of this Ordinance in any year for an extension of time in which to pay his tax for the current year or for permission to pay such tax in instalments and if the revenue officer is satisfied that such person is unable to pay the tax by the due date, he shall either grant an extension of time within which payment may be made or agree to accept payment in instalments in either case without penalty; provided, however, that in the event of failure by

Payment of
Tax by
instalments.

**Ord. No. 10
of 1928.**

any person to comply with any conditions upon which such extension or permission is granted by the revenue officer the full amount of the tax and penalty shall become due and payable forthwith as if no such extension or permission had been granted; and provided further that there shall be deducted from such amount the amount of any instalment previously paid in accordance with the conditions upon which permission had been granted.

Penalties.

14. Any person who wilfully makes a false declaration under this Ordinance shall be guilty of an offence and liable on conviction 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.

Any person who—

- (a) fails or neglects to furnish any return as and when required by this Ordinance; or
- (b) fails to pay the tax by the date prescribed; or
- (c) fails to comply with the provisions of any regulation made under the provisions of this Ordinance;

shall be guilty of an offence and liable on conviction for a first offence to a fine not exceeding five pounds, or in default of payment to imprisonment for a period not exceeding one month, and on conviction for a subsequent offence to a fine not exceeding fifteen pounds, or, in default of payment, to imprisonment for a period not exceeding three months.

Regulations.

15. The Administrator may make regulations:—

- (a) for prescribing the form of application for any certificate of exemption to be issued by the magistrate or resident justice of the peace under the provisions of section *eight*; and
- (b) generally for the better carrying out of the objects and purposes of this Ordinance.

**Repeal of
Laws.**

16. The following Ordinances shall be and are hereby repealed:—

- The Poll Tax Ordinance, 1921.
- The Poll Tax Amendment Ordinance, 1922.

The Poll Tax (Penalty) Ordinance, 1923.
 The Poll Tax Amendment Ordinance,
 1925.
 The Poll Tax Amendment Ordinance,
 1926.

Ord. No. 10
 of 1928.

17. This Ordinance may be cited for all Short Title.
 purposes as the Personal and Income Taxes
 Ordinance, 1928.

AN ORDINANCE

To Restrict, Supervise, License and Regulate Trading by
 Hawkers and Pedlars.

Ord. No. 11
 of 1928.

(Assented to 7th May, 1928.)

(Date of operation, 16th May, 1928.)

(English copy signed by Governor-General.)

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

1. In this Ordinance—

Definitions.

“Hawker” shall mean any person who, whether as principal agent or employee carries on the trade or business of offering or exposing for sale, barter, or exchange elsewhere than at a fixed place any goods, and for that purpose travels about from place to place with goods on any vehicle (other than a vehicle propelled by himself) or with a pack animal or carrier; but shall not include any person as aforesaid who hawks fresh fruit or vegetables and no other goods.

“Municipality” shall mean the area placed under the control and jurisdiction of a town council or of a village council or of a health committee under the Local Government Ordinance, 1926.

“Pedlar” shall mean any person who, whether as principal, agent, or employee carries on the trade or business of offering or exposing for sale, barter, or exchange elsewhere than at a fixed place any goods and for that purpose travels from place to place either

Ord. No. 11
of 1928.

on foot or with a vehicle propelled by himself; but shall not include any person as aforesaid who peddles fresh fruit or vegetables and no other goods.

Restriction
as to place.

2. On and after the date of the commencement of this Ordinance it shall not be lawful for any person to carry on the business of a hawker or pedlar at any place outside a municipality being within one mile of the place of business of any person who is the holder of a licence issued under the provisions of the Licences Consolidation Act, 1925, and any amendment thereof authorizing such person to carry on the trade of a general dealer. Any person who carries on trade or business in contravention of the provisions of this 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 undergo imprisonment without hard labour for a period not exceeding three months.

Short Title.

3. This Ordinance may be cited for all purposes as the Hawkers and Pedlars Ordinance, 1928.

Ord. No. 12
of 1928.

AN ORDINANCE

To amend the Transvaal Teachers' Pensions Ordinance, No. 5 of 1916, in certain respects.

(Assented to 9th May, 1928.)

(Date of operation, 23rd May, 1928.)

(English copy signed by Governor-General.)

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

Definition.

1. In this Ordinance "principal law" means the Transvaal Teachers' Pensions Ordinance, No. 5 of 1916, as from time to time amended and any expression to which a meaning has been attached in the principal law in and for the purposes thereof, bears, when using this Ordinance, the same meaning unless a contrary intention clearly appears or unless another meaning has been assigned to that expression in this Ordinance.

2. Section *three* of the principal law shall be and is hereby amended by the addition of the following new sub-section (6):—

Amendment
of section 3 of
principal law.

Ord. No. 12
of 1928.

- (6) (a) Notwithstanding anything to the contrary in this section contained any teacher who is appointed after the 1st January, 1929, to a permanent post under the Department in terms of section *seventy-eight* of the Education Act, 1907, or who after the completion of a course of training in an institution maintained by the Department in terms of section *twenty-six* of the Education Act, 1907, is after the 1st January, 1929, appointed to a post in terms of section *seventy-nine* of the Education Act, 1907, shall make contributions to the fund at the rates prescribed in section *two* of the Transvaal Teachers' Pensions Amendment Ordinance, 1927. Such contributions shall be made as from the date of his first appointment and the total contributions from the due date shall, anything to the contrary notwithstanding in the principal law contained, be recovered from the next succeeding payment of his pensionable emoluments. Provided that, if for any reason the teacher is not admitted to the regular teaching staff of the department the said contributions shall be regarded as made erroneously and shall be refunded to him, or in the case of decease to his estate, with interest at the rate of three per cent. per annum and the contributions paid by the Administration in respect of such teacher shall be refunded to revenue with interest at three per cent. per annum. Provided further that, if any such teacher states in writing to the Department that he desires not to contribute to the fund, or desires to cease contributing to the fund during the probationary period of his service no such contributions shall be made by or in respect of such teacher and any contributions which have been

Ord. No. 12
of 1928.

made by him shall be refunded to him with interest at three per cent. per annum, and any contributions made by the Administration in respect of such teacher shall be refunded to revenue with interest at three per cent. per annum and the teacher shall not at any future date be permitted to contribute to the fund in respect of his probationary service.

- (b) All provisions in the principal law relative to contributions by or in respect of officers shall be regarded as including the contributions payable by or in respect of teachers under the preceding sub-section.

Amendment
of section 3 of
principal law.

3. Sub-section (3) of section *three* of the principal law shall be and is hereby amended by the addition thereto of the following paragraph:—

Any female officer who prior to the commencement of Ordinance No. 17 of 1927 was ineligible on account of age to contribute to the fund and who was under the age of 45 on the 1st July, 1927, may elect to contribute to the fund subject to the following conditions:—

- (a) She shall make the election within one month of the receipt of an intimation from the Department of her eligibility to contribute;
- (b) she shall contribute in respect of the whole period of the service in respect of which she elects to contribute at the rates prescribed in paragraph (b) of sub-section (1) of section *two* of Ordinance No. 17 of 1927;
- (c) the provisions of the principal law in respect of the payment of arrear contributions and interest on arrear contributions by the officer and by the Administration shall *mutatis mutandis* apply.

Amendment
of section 8 of
principal law.

4. Paragraph (c) of sub-section (1) of section *eight* of the principal law shall be and is hereby amended by the deletion from line two thereof of the words "under any provision of this Ordinance" and the substitution therefor of the words "from the fund."

5. Sub-section (1) of section *ten* of the principal law shall be and is hereby amended by the deletion in line three thereof of the words "certified by medical certificate" and the substitution therefor of the words "certified by a medical officer or medical board approved by the Department." Sub-section (2) of section *ten* of the principal law shall be and is hereby amended by the deletion in line two thereof of the words "medically certified" and the substitution therefor of the words "certified by a medical officer or approved medical board."

Amendment of section 10 of principal law.

Ord. No. 12 of 1928.

6. Section *twenty-two* of the Transvaal Teachers' Pensions Amendment Ordinance No. 15 of 1918 shall be and is hereby amended by the deletion in line one thereof of the word "*one*."

Amendment of section 22 of Ordinance No. 15 of 1918.

7. The last paragraph of section *eighteen* of the Transvaal Teachers' Pensions Amendment Ordinance, 1927, shall be and is hereby amended by the addition in line two thereof after the word "fund" of the words "or from the Consolidated Revenue Fund of the Union."

Amendment of section 18 of Ordinance No. 17 of 1927.

8. This Ordinance may be cited for all purposes as the Transvaal Teachers' Pensions Amendment Ordinance, 1928, and shall be read as one with the principal law.

Short Title.

AN ORDINANCE

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

Ord. No. 13 of 1928.

(Assented to 13th June, 1928.)

(Date of operation, 1st July, 1928.)*

(English copy signed by Governor-General.)

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

1. From and after the taking effect of this Ordinance the laws mentioned in the First Schedule hereto shall be and are hereby repealed.

Repeal of Laws.

* Section 32.

Ord. No. 13
of 1928.

Application
of 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 remain of full force and effect for the period for which it was originally framed.

(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.

Erf Tax
may be
substituted
for
Assessment
Rates.

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 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 subsection 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.

Definitions
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.

Ord. No. 13
of 1928.

Section 4.

“ 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.

“ 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 of the owner of proclaimed land 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

Ord. No. 13
of 1928.

Section 4.

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.

“ Health Committee ” shall mean a health committee, constituted under and by virtue of the provisions of Chapter IX of the Local Government Ordinance.

“ 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 statutory public body 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 statutory public body; provided that the payment of rates or taxes shall not be deemed to be a contribution within the meaning of this definition.

“ Interest in land ” shall mean and include—

- (1) land or the usufruct thereof;
- (2) the right in and over land under a 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 proclaimed land whether held under a claim licence or other mining title or not for residential purposes or for purposes not incidental to mining operations;
(ii) any occupation, by reason of the existence thereon of buildings and improvements, of proclaimed land or land which although held under mining title is not proclaimed, where no lawful authority of 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 proclaimed land or on land which though held under mining title is not proclaimed, in respect of the erection, maintenance or occupation of which

Ord. No. 13
of 1928.

Section 4.

Ord. No. 13
of 1928.

Section 4.

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 exercising of ownership in respect of such buildings and improvements.

"Local Authority" shall mean a town council or a village council or a health committee.

"Local Government Ordinance" shall mean the Local Government Ordinance 1926 and any amendment thereof.

"Mayor" shall mean the mayor or deputy-mayor of any town council or the chairman or deputy-chairman of any village council or the chairman of a health committee.

"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 a 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) 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;
- (3) 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;

- (4) 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;
- (5) 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;
- (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 proclaimed land or on land which though held under mining title is not proclaimed, 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 exercising 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 proclaimed land or land which although held under mining title is not proclaimed, 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.

**Ord. No. 13
of 1928.**

Section 4.

Ord. No. 13
of 1928.

Section 4.

- (7) Any person to whom has been assigned the right to receive in respect of any proclaimed land the whole or any portion of the following:
- (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.

“Rateable property” shall mean and include—

- I. (A) (In every municipality within the magisterial districts of Benoni, Boksburg, Germiston, Johannesburg, Krugersdorp and Springs, the Municipality of Klerksdorp, the Municipality of Warmbaths and in every municipality to which the Administrator may by Proclamation in the *Provincial Gazette* declare this definition to apply):
- (1) Open proclaimed land;
 - (2) Every interest in land as herein before defined with the following exceptions:
 - (a) Any interest in land held by the Crown; provided that all property vested in the Governor-General-in-Council for railway purposes shall so far as the same is used for residential purposes by persons employed by the South African Railways and Harbours Administration be deemed to be “rateable property”;
 - (b) Any interest in land used exclusively for public worship or for

Ord. No. 13
of 1928.

Section 4.

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 that an interest in land used as a recreation ground conducted for profit or as a racecourse shall not be entitled to the benefit of this exemption;
- (B) (In all other municipalities.) Every interest in land save and except:
- (a) Any interest in land the property and in the occupation of the Crown; provided that all property vested in the Governor-General-in-Council for railway purposes shall so far as the same is used for residential purposes by persons employed by the South African Railways and Harbours Administration be deemed to be "rateable property";

Ord. No. 13
of 1928.

Section 4.

- (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 hereinbefore 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 that an interest in land used as a recreation ground conducted for profit or as a 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.
- II. All movable or immovable buildings and other improvements in, on, or under land any interest in which is herein included;

- III. Any freeholders licence interest anything to the contrary in the exceptions set forth in part I of this definition notwithstanding;
- IV. All improvements made on, in or under land held under a licence or any other mining title to dig or prospect for precious metals and precious stones or base metals where such land is used for residential purposes or purposes not incidental to mining operations whether by persons engaged in mining operations or otherwise.
- “ 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 franchise licence privilege or concession attached to the site for the time being.
- “ 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.
- “ Town council ” shall mean a town council constituted under and by virtue of the provisions of Chapter I of the Local Government Ordinance.
- “ 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 *eight* of this Ordinance.
- “ Village Council ” shall mean a village council constituted under and by virtue of the provisions of Chapter VIII of the Local Government Ordinance.

Ord. No. 13
of 1928.

—
Section 4.

Ord. No. 13 General
of 1928. Valuation.

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.

(2) The local authority shall by resolution appoint one or more competent persons to compile such valuation.

(3) 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 Second 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.

(4) 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;

Ord. No. 13
of 1928.

- (c) copies of any objections against the local authority's proposal or, if none has been lodged, a statement to that effect.

6. Every valuer shall, before entering upon the valuation entrusted to him, make before some Justice of the Peace a solemn declaration in the terms following:—

Declaration
of Valuer.

“ I.....do solemnly and sincerely declare that I will to the best of my skill and knowledge and without favour and 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.

Declared at.....this.....day of
.....

Before me.....”

and every such declaration shall be lodged with and preserved by the local authority.

7. 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—

Provisional
Valuation
Roll.

- (a) the name and address of the owner;
- (b) description and situation of the property valued;
- (c) nature of the interest of the owner;
- (d) (1) (i) the site value of the land not included in (2) (ii);
(ii) the value of any improvements;
- (2) (i) the value of improvements upon land held under a licence or any other mining title to dig or prospect for precious metals

Ord. No. 13
of 1928.

and precious stones or base metals where such land is used for residential purposes or for purposes not incidental to mining operations, whether by persons engaged in mining operations or otherwise;

(ii) the value of such land;

(e) any deductions to be made from the rateable value under this Ordinance or any other law.

Basis of
Valuation.

8. (1) 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.

(2) It shall be the duty of every valuer in carrying out the duties imposed upon him by this section to deduct in respect of any rateable property any value accruing to such property by reason of the presence of precious stones or precious metals or base metals or minerals thereon or therein.

Rating of
agricultural
land.

9. Notwithstanding anything to the contrary in this Ordinance contained land, being not less than one morgen in extent *bona fide* and exclusively used as agricultural land, shall be rated upon half its agricultural value.

Valuer to
have power
of entry and
inspection.

10. (1) Every valuer provided with written authority signed by the mayor or town clerk shall for the purpose of making any valuation as aforesaid 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

Ord. No. 13
of 1928.

particulars of any rateable property 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 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.

11. 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. The local authority shall by notice published in the *Provincial Gazette* and in one or more newspapers circulating in the municipality call upon all persons interested to lodge in writing with the town clerk within a specified time not less than twenty-one days from the first publication of such notice in the form set forth in the Third Schedule 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. 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.

Inspection of
provisional
roll.
Objections.

12. (1) After the expiration of the time specified in such notice the local authority shall appoint a valuation court consisting of not fewer than three persons who may or may not be members of the local authority. Such

Valuation
Court:
duties and
proceedings

Ord. No. 13
of 1928.

Section 12.

persons shall before the first sitting of the court appoint a president from among themselves. The town clerk or some other person appointed by the local authority shall act as clerk to the said court.

(2) 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 no alteration or amendment by way of increase or addition shall be made unless and until the person appearing to be directly affected thereby shall have had at least seven days' previous notice from the clerk of the date of sitting of the court at which any proposal for such increase or addition will be considered, and such person so affected may either forward any objections to such increase or addition 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.

(3) At every sitting of such court three members personally present shall constitute a quorum, and the president thereof, if present, shall preside, and, if absent, then members of the court present shall elect a person from among themselves to act as president during such absence as aforesaid. 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 member acting as such shall also have a casting vote.

(4) 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.

(5) 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.

(6) 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.

Ord. No. 13
of 1928.

(7) 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.

(8) At every sitting of such court it shall be competent for the court to call and examine any witnesses 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.

(9) 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 chairman as having been taken before such court, and every such deposition so taken down and authenticated shall be deemed and taken to be good evidence in a prosecution for perjury.

13. 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.

Valuation
roll.

14. (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

Right of
appeal

Ord. No. 13
of 1928.

appeal within one month against such valuation from the decision of the court in the last preceding section mentioned 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 and such court may make such order as to costs as to the court shall seem fit.

(2) It shall be lawful for the local authority to appeal within one month against the decision of the said 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 the appeals by the owner or occupier of property.

Power to remit rates on rateable property not in existence to cause rateable property omitted to be valued and to cause revaluations

15. Notwithstanding anything in this Ordinance contained it shall be lawful for the local authority from time to time and at any time—

- (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 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;
- (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 subdivision;

- (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 valued has been made in such roll and to cause any rate due in respect thereof to be collected according to the corrected roll;
- (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 *eighteen* 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 can be *mutatis mutandis* as are hereinbefore set forth with regard to general valuations excepting that in the discretion of the local authority the prescribed notices may be served in writing upon the person interested instead of being published as aforesaid;
- (ii) every such valuation, revaluation, correction, and apportionment shall be subject to any objection made thereto at the next succeeding valuation court which may be appointed by the local authority under this Ordinance and to the same right of appeal as is provided for in section *fourteen*;

Ord. No. 13
of 1928.

—
Section 15.

Ord. No. 13
of 1928.

- (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 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.

Valuation
Roll
not to be
challenged
or set aside.

16. 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.

Incidence
of rating.

17. (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 to this section notwithstanding, the minimum charge imposed under this section in respect of any interest in land shall be five shillings.

(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; provided that in the case of land (other than land in a lawfully established township) held under a licence or any other mining title to dig or prospect for precious metals and precious stones or base metals such additional rate shall, unless otherwise determined by the local authority, be levied upon the value of any improvements upon such land used for residential purposes or for purposes not incidental to mining operations whether by persons engaged in such operations or otherwise, as well as upon the site value of the land and provided further, however, that no rate shall be levied upon the value of any improvements upon an industrial stand (whether upon land held under claim licence or other mining title or not) granted for the purpose of carrying on the works enumerated in sub-section (1) (c) of section *seventy-nine* of the Gold Law as amended by section *twenty-six* of the Transvaal Mineral Leases and Mineral Law Amendment Act, 1918, save and except when and as a rate is levied upon the value of improvements within the municipality in terms of the next succeeding sub-section.

(4) A local authority may by resolution passed at any ordinary meeting held within one month prior to the imposition of a rate by such local authority, and supported by the votes of a majority of the members of 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

Ord. No. 13
of 1928.

—
Section 17.

Ord. No. 13
of 1928.

week after the first sitting of the Council next after such refusal may by resolution authorize such local authority to impose such higher rate.

Special rates

18. 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 or 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.

19. 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.

20. (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. ($2\frac{1}{2}\%$), on any rates paid on or before the date on which such rate becomes due and payable under section *nineteen* hereof.

(3) The local authority shall be empowered to charge and collect interest on arrear assessment rates at a rate not exceeding seven per centum per annum.

21. 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 *nineteen* hereof, 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.

Ord. No. 13 of 1928.

22. 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. 13 Recovery
of 1928. of rates.

23. Notwithstanding the provisions of section *twenty-two* hereof 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 magisterial district 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
against persons
liable for
rates.

24. In case any person liable to pay any rate who shall be in default as regards payment thereof shall not be resident within the jurisdiction of the court of the magistrate of the district it shall be lawful for the local authority at its option to make the demand referred to in section *twenty-two* hereof upon or to take proceedings under section *twenty-three* hereof against any person receiving any rents or profits of the rateable property in respect of which such rate is unpaid or who would receive the same if such rateable property were let or occupied.

Proceedings
for recovery
of rates un-
paid for three
months.

25. 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.

Ord. No. 13
of 1928.

26. 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 offer evidence to prove the contrary.

Evidence.

27. 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 *nineteen* 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 the owner being absent from the Province the agent or person receiving the rent of such property shall be liable.

Owner liable
for rates.

28. Any provision in a contract existing at the twenty-second day of March 1916 or thereafter entered into whereby any person primarily liable for payment of any rates imposed pursuant to this Ordinance in respect of any rateable property seeks to render any person interested under or subsequent to himself as lessee of such rateable property or any part thereof liable absolutely or conditionally to pay such rates or any part thereof in lieu or stead of himself shall be null and void.

Lessee not
liable for rates
of lessor.

29. 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. 13
of 1928.

Certain
buildings and
improvements to be
registered
with local
authority.

30. (1) All movable and immovable buildings and improvements, used for residential purposes or for purposes not incidental to mining operations and situate on proclaimed land (other than proclaimed 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. 13
of 1928.

31. Notwithstanding the repeal of the laws mentioned in the First Schedule hereto all acts done, proclamations issued or proceedings taken respectively under those laws before the commencement of this Ordinance shall be deemed to have been done issued or taken under the provisions of this Ordinance.

Validation of proceedings taken etc. under laws repealed.

32. This Ordinance may be cited for all purposes as the Local Authorities Rating Ordinance 1928 and shall come into operation on the first day of July 1928.

Title and date of operation.

First Schedule.

Section one.

LAWS REPEALED.

- (1) Section *twelve* of the Townships Act, 1907.
- (2) Sub-section (2) of section *two* of the Townships Amendment Act, 1908.
- (3) Sections *one hundred and forty-four* and *one hundred and forty-five* of the Local Government Ordinance, 1926.
- (4) The Local Authorities Rating Ordinance, 1912.
- (5) The Local Authorities Rating Amendment Ordinance, 1916.
- (6) The Local Authorities Rating Amendment Ordinance, 1917.
- (7) The Local Authorities Rating (Agricultural) Amendment Ordinance, 1921.
- (8) The Local Authorities Rating Amendment Ordinance, 1925.
- (9) The Local Authorities Rating Amendment Ordinance, 1927.

Second Schedule.

Section five (3).

LOCAL AUTHORITIES TO WHICH THE PROVISIONS OF PARAGRAPH (a) OF SECTION five (3) OF THIS ORDINANCE MAY NOT BE APPLIED.

Town Council of Benoni.
Town Council of Boksburg.
Town Council of Brakpan.
Town Council of Germiston.
Town Council of Johannesburg.
Town Council of Krugersdorp.
Town Council of Potchefstroom.
Town Council of Pretoria.
Town Council of Roodepoort-Maraisburg.
Town Council of Springs.

Ord. No. 13
of 1928.

Third Schedule.

Section *eleven.*

OBJECTIONS

Against an entry in the Valuation Roll made up under the Provisions of the Local Authorities Rating Ordinance, 1928.

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..

AN ORDINANCE

To amend the Roads Fund Ordinance, 1927, in Certain Respects.

Ord. No. 14
of 1928.

(Assented to 11th July, 1928.)

(Date of operation, 18th July, 1928.)

(English copy signed by Governor-General.)

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

1. Sub-section (2) of section *three* of the Roads Fund Ordinance, 1927 (hereinafter referred to as the principal ordinance), shall be and is hereby repealed and the following sub-section substituted therefor:—

Amendment
of section 3
of principal
ordinance.

“(2) If the portion of the fees received under section *eighteen* of the Motor Vehicles Ordinance, 1915, as amended, 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.”

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

Amendment
of section 4
of principal
ordinance.

“4. (a) There shall be charged against the fund in each financial year—

- (i) 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;
- (ii) an amount of eight per cent. per annum on the total expenditure incurred on construction of such

Ord. No 14
of 1928.

roads as at the end of the last preceding financial year.

- (b) Any sums remaining in the fund after the moneys required to be provided under sub-section (a) 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.
- (c) 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."

Amendment
of section 18
of Motor
Vehicle
Ordinance,
1915.

3. Section *eighteen* of the Motor Vehicle Ordinance, 1915, as amended by section *seven* of Ordinance No. 19 of 1927 and by section *eight* of Ordinance No. 3 of 1928, shall be and is hereby amended by the addition to paragraph (a) of sub-section (1) of the following provisos:—

"provided that in the case of any new local authority constituted at any time during the period from the first day of April 1927 to the thirtieth day of September 1927 (both days inclusive) the amounts paid by such persons between the date of the proclamation constituting such local authority and the thirtieth day of September 1927 shall, for the purposes of this sub-section, be deemed to be the amount paid by such persons during the financial year ended the 31st March 1927; and provided further that in the case of every new local authority constituted after the thirtieth day of September 1927 such local authority shall receive a refund of one-sixth of such amount."

Short title.

4. This Ordinance may be cited for all purposes as the Roads Fund Amendment Ordinance, 1928.

A

Ord. No. 15
of 1928.**PRIVATE ORDINANCE**

To enable Johannesburg to be called a City and to alter the title of the Council of the Municipality of Johannesburg.

(Assented to 14th July, 1928.)

(Date of operation, 5th September, 1928.)*

(English copy signed by Governor-General.)

WHEREAS it is desirable, in the interest of the community of Johannesburg, to declare the Town of Johannesburg to be a City and to alter the name of the Council of the Municipality of Johannesburg from the "Town Council of Johannesburg" to that of the "City Council of Johannesburg."

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

1. The Town of Johannesburg shall be and is hereby designated and known as the City of Johannesburg; Title of City of Johannesburg.
2. The title of the Council of the Municipality of Johannesburg shall be and is hereby altered from the "Town Council of Johannesburg" to the "City Council of Johannesburg" and the provisions of the Local Government Ordinance, No. 11 of 1926, and any amendment thereof, shall apply to the City Council of Johannesburg, so that wherever the words "Town Council" or "Council" in the said Ordinance are used, they shall be deemed to mean and include the City Council of Johannesburg, and wherever in any law or by-law, reference is made to the Town Council of Johannesburg, such reference shall be deemed to mean and to include the City Council of Johannesburg; Title of City Council and application of Ordinance No. 11 of 1926, etc.
3. This Ordinance may be cited for all purposes as the City of Johannesburg Ordinance (Private) of 1928, and shall come into operation on such date as the Administrator may by proclamation in the *Provincial Gazette* declare. Short Title and date of operation.

* Proclamation No. 61, *Provincial Gazette*, dated 8th August, 1928, page 163.

Ord. No. 16
of 1928.

AN ORDINANCE

To amend further the Education Act 1907 in certain respects.

(Assented to 18th July, 1928.)

(Date of operation, 25th July, 1928.)

(English copy signed by Governor-General.)

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

Amendment
of section 77
of Act No. 25
of 1907.

1. Section *seventy-seven* of the Education Act, No. 25 of 1907, shall be and is hereby amended by the addition of the following words:—

“ provided that in the case of a teacher transferred in terms of sub-section (3) of section *seventy-eight* (as amended by section *ten* of Ordinance No. 7 of 1912) such teacher shall, unless the Administrator otherwise decides, retain the salary and the scale of salary payable in respect of the post from which he has been transferred.”

Short title.

2. This Ordinance may be cited for all purposes as the Education Act Further Amendment Ordinance, 1928.

Ord. No. 17
of 1928.

AN ORDINANCE

To define the Main Reef Road and to make provision for the reconstruction and maintenance thereof.

(Assented to 2nd August, 1928.)

(Date of operation, 1st September, 1928.)*

(English copy signed by Governor-General.)

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

Definitions.

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

“ Administration ” shall mean the Transvaal Provincial Administration.

* Proclamation No. 66, *Provincial Gazette*, dated 22nd August, 1928, page 215.

- “ Administrator ” shall mean the officer appointed under sub-section (1) of section *sixty-eight* of the South Africa Act, 1909, and any amendment thereof acting on the advice and with the consent of the Executive Committee of the Province.
- “ Financial year ” shall mean the twelve months ending on and including the thirty-first day of March in each and every calendar year.
- “ Local authority ” shall mean a town council or a village council or a health committee which has been or shall hereafter be constituted under the Local Government Ordinance, 1926, and which is a corporate body.
- “ Mining area ” shall mean and include land and the usufruct thereof within public diggings and fields proclaimed under any law relating to the exploitation of precious and base metals other than land in a lawfully established township.
- “ The road ” shall mean the Main Reef Road referred to in section *two* of this Ordinance.
- “ Township area ” shall mean any area declared as a township area under section *four* of this Ordinance.

Ord. No. 17
of 1928.

2. The road defined in the first schedule to this Ordinance shall be and is hereby established as a public road in terms of the Local Authorities Roads Ordinance, 1904.

Main reef road established as a public road.

3. Such portion of the road as may pass through the area of any local authority shall vest in such authority in the same manner and subject to the like provisions and conditions as are prescribed in section *sixty-two* of the Local Government Ordinance, 1926; provided that the powers conferred upon such local authority by the said Ordinance to make, construct and maintain roads in relation to the road shall be subject to the provisions of this Ordinance.

Vesting of the road.

4. The Administrator may from time to time after consultation with the local authority concerned by Proclamation in the *Provincial Gazette* declare any area to be a township area for the purposes of this Ordinance.

Township areas.

Ord. No. 17
of 1928.

Admini-
stration's
responsibility
in regard to
the road
outside
township
areas.

5. Anything to the contrary in any law notwithstanding the administration shall, subject to the provisions of this Ordinance and in so far as finances will permit, be responsible for the work of reconstruction and maintenance of the road other than of such portion or portions of the road as may pass through a township area but it shall not be responsible for the disposal of such stormwater as may leave the road at any point within the area under the jurisdiction of a local authority.

Reconstruc-
tion of the
road--method
and cost
thereof.

6. (1) The work of the reconstruction of the road shall be undertaken as expeditiously as the funds available shall permit and, save as is hereinafter provided, in such manner as is set forth in the second schedule to this Ordinance.

(2) The cost of such work shall be met from funds to be provided from a loan or loans which shall be raised by the Administrator provided that the period of repayment of any such loan or loans shall not exceed twelve years.

(3) The cost of such work and of the maintenance of the road after reconstruction shall, except in so far as it may be possible to effect savings, be as nearly as possible that set forth in the said schedule.

(4) The Administrator may, for experimental purposes only, direct that any portion or portions of the road outside the limits of a township area as may be determined by him shall be reconstructed in such manner as he may decide other than that set forth in the second schedule as applicable to such portion or portions.

(5) Subject to the approval of the Administrator any local authority may, in reconstructing any portion or portions of the road passing through a township area within its area of jurisdiction, employ any other method of construction superior to that set forth in the said schedule as applicable to such portion or portions.

(6) Anything to the contrary in any law notwithstanding the administration may, at all times as it shall deem fit, close temporarily for any particular class of traffic or temporarily for all traffic any portion or portions of the road, for the reconstruction and maintenance of which it is responsible in terms of

section *five* hereof, or temporarily divert any such portion or portions, for the purpose of executing repairs or for any other purpose.

Ord. No. 17
of 1928.

7. The moneys required to be provided to meet—

- (i) interest and redemption charges on the loans to be raised in terms of sub-section (2) of section *six* hereof;
- (ii) expenditure on the maintenance of the road;

Moneys required to be a charge against Provincial Revenue Fund and revenues of local authorities.

shall be a charge against the Provincial Revenue Fund and the revenues of the local authorities through whose areas of jurisdiction the road passes in the manner hereinafter prescribed.

8. (1) Save as is provided in section *fifteen* hereof the local authorities, through whose areas of jurisdiction the road passes shall, subject to the provisions of sub-section (2) hereof, jointly contribute fifty per centum of—

Contributions by local authorities.

- (i) the interest and redemption charges on the loan or loans to be raised in terms of sub-section (2) of section *six* hereof;
- (ii) the expenditure incurred on the maintenance of the road.

(2) The contributions payable by the several local authorities for any financial year in respect of—

- (i) the interest and redemption charges on the loan or loans aforesaid;
- (ii) the expenditure incurred on the maintenance of the road other than expenditure incurred in terms of section *fifteen* hereof;

shall, subject to the provisions of sub-section (3) hereof, be so calculated as to be proportionate to the revenue received by such local authorities during the twelve months ended the thirtieth day of June preceding the last day of such financial year in respect of—

- (a) rates levied in terms of the Local Authorities Rating Ordinance, 1912, and any amendment thereof upon rateable property within a mining area as defined by this Ordinance;
- (b) licence fees levied under any law in respect of motor vehicles and all other vehicles;

provided that no local authority shall be required to contribute in respect of such charges

Ord. No. 17
of 1928.

as aforesaid more than the interest and redemption charges on an amount representing the cost of reconstruction of the portion of the road falling within its area of jurisdiction, such cost being calculated on the basis of the average cost of reconstruction of the road throughout its length.

(3) Where any local authority (hereinafter called the new local authority) is hereafter constituted for any area which has been severed from a municipality (of which it originally formed a part) under a local authority which was in existence at the date of the coming into operation of this Ordinance (hereinafter called the original local authority) the contributions payable by the new local authority and by the original local authority shall up to the end of the financial year next succeeding that in which the new local authority has been so constituted be determined by the Administrator who shall in such determination apply as far as may be possible the principles underlying sub-section (2) hereof; provided that the contributions payable for any one financial year by the new local authority and the original local authority taken together shall not exceed the contribution that would have been payable by the original local authority for such financial year in terms of sub-section (2) hereof if the new local authority had not been so constituted.

Further
charge
against
Provincial
Revenue
Fund.

9. The difference between the total expenditure incurred during any one financial year in respect of—

- (a) interest and redemption charges on the loan or loans to be raised in terms of sub-section (2) of section *six* hereof; and
- (b) the maintenance of the road;

and the contributions payable by the local authorities in terms of the preceding section shall be a charge against the Provincial Revenue Fund.

Respon-
sibility for
carrying out
work.

10. (1) The work of reconstruction and maintenance of such portion or portions of the road as pass through township areas shall be carried out in each case by the local authority in whose area of jurisdiction such township areas are situate.

(2) The work of reconstruction and maintenance of the road other than of such portion

or portions thereof as are referred to in sub-section (1) hereof shall, subject to the provisions of section *seventeen* hereof, be carried out by the administration.

Ord. No. 17
of 1928.

11. A local authority desirous of reconstructing any portion or portions of the road passing through a township area within its area of jurisdiction shall make application to the Administrator for authority to proceed with such work of reconstruction, and shall supply such information as he may require as to the nature of the work contemplated and the manner in which it is proposed to be carried out. Such local authority shall not proceed with such work until it has received the authority of the Administrator hereunder.

Administrator's authority for reconstruction in township areas required.

12. In any case where in the opinion of the Administrator the reconstruction of any portion of the road within any township area is necessary the local authority in whose area of jurisdiction such portion is situate shall, if so required by the Administrator, reconstruct such portion in the manner prescribed in the second schedule to this Ordinance.

Power of Administrator in regard to reconstruction in certain circumstances.

13. When a local authority has incurred any expenditure on the reconstruction of a portion or portions of the road passing through a township area within its area of jurisdiction, a refund of such expenditure shall be made to such local authority by the Administrator out of the funds referred to in sub-section (2) of section *six* hereof upon the production by such local authority of the necessary receipts and vouchers covering such expenditure and of a certificate signed by an officer duly appointed by the Administrator for the purpose to the effect that the work has been satisfactorily performed; provided that:—

Refunds to local authorities.

- (1) Whenever the portion or portions concerned have been reconstructed in accordance with a method of construction which has been approved by the Administrator in terms of sub-section (5) of section *six* hereof, the amount of such refund shall not exceed the amount previously agreed upon between the Administrator and the local authority concerned as the cost of reconstructing such portion or portions in accordance with the method set forth in the second schedule to this Ordinance as applicable to such portion or portions.

Ord. No. 17
of 1928.

(2) No refund made under this section shall in any case exceed an amount calculated in accordance with the rates set forth in the said schedule for the manner of construction applicable to such portion or portions.

Maintenance
grants to
local
authorities.

14. (1) The Administrator shall make grants to local authorities calculated at the rate of two pence per superficial yard per annum in respect of the portion or portions of the road passing through township areas within their respective areas of jurisdiction and such grants shall be expended on the maintenance of such portion or portions of the road and for no other purpose; provided that a local authority shall not be required to expend the whole or any portion of such grants within the financial year in which they are made; and provided further that when a local authority does not expend the whole or any portion of such grants within the financial year as aforesaid, the Administrator may require the local authority to undertake such work on the maintenance of any such portion or portions of the road as aforesaid as he may deem necessary up to the limits of the amount of the grant or grants which such local authority may have available. Such grants shall for the purposes of sections *eight* and *nine* of this Ordinance be deemed to be expenditure on the maintenance of the road during the financial year in which they are made by the Administrator.

(2) For the purposes of determining the grants payable under this section the breadth of the portion or portions of the road concerned shall be taken as being the breadth set forth in the second schedule to this Ordinance as applicable to such portion or portions in each case.

Transitory
provision.

15. Pending the reconstruction of any portion of the road passing through an area not being a township area the administration shall, so far as finances shall permit, be responsible for the maintenance of such portion and the cost of such maintenance shall be a charge against the Provincial Revenue Fund anything to the contrary in this Ordinance notwithstanding.

Stormwater
drainage.

16. (1) The Administration shall be responsible for the construction and maintenance of all storm-water drains within the limits of the road in respect of such portions of the road as

Ord. No. 17
of 1928.

pass through areas other than township areas; provided that the siting and construction of any culvert or conduit conveying water from the road other than a culvert or conduit in existence at the date of the coming into operation of this Ordinance shall be subject to the concurrence of the local authority in whose area of jurisdiction such culvert or conduit is constructed.

(2) A local authority shall be responsible for the construction and maintenance of all storm-water drains within the limits of the road in respect of such portion or portions of the road as pass through township areas within the area of jurisdiction of such local authority.

(3) Any expenditure incurred in terms of sub-sections (1) and (2) of this section in connection with the construction and maintenance of storm-water drains shall be deemed to be expenditure in connection with the reconstruction and maintenance respectively of the portion or portions of the road concerned.

17. A local authority shall be responsible for the disposal of all storm-water which may leave the road at any point within the area of its jurisdiction, and for any expenditure incurred in connection with such disposal.

Disposal of
stormwater.

18. The contributions due by a local authority in terms of section *eight* of this Ordinance shall be a debt due to the Administrator, and may when payable be sued for and recovered by him in any court of competent jurisdiction. Such contributions shall be payable on demand and in any case shall be paid not later than one month after such demand has been made.

Contributions
by local
authorities to
be a debt due
to the
Admini-
strator.

19. Section *sixty-two* of the Local Government Ordinance, 1926. shall be and is hereby amended by the deletion therefrom of the words:—

Amendment
of section 62
of Local
Government
Ordinance,
1926.

“ provided that nothing herein contained shall make any of the municipalities through which the main reef road runs liable for its construction or maintenance.”

20. Sections *forty-three*, *forty-four*, and *forty-six* of the Local Authorities Roads Ordinance No. 44 of 1904 shall be and are hereby repealed.

Repeal.

Ord. No. 17 short title.
of 1928.

21. This Ordinance may be cited for all purposes as the Main Reef Road Ordinance, 1928, and shall come into operation on such date as the Administrator shall declare by Proclamation in the *Provincial Gazette*.

First Schedule.

DEFINITION OF THE MAIN REEF ROAD.

Commencing at Sixth Street of the Randfontein Township traversing the farms Randfontein No. 3, Uitvalfontein No. 2, Rietvallei No. 113, and Luipaardsvlei No. 8 to Monument Street, Krugersdorp—S.G. diagram A.2399/09; thence through the town of Krugersdorp via Monument Street, Commissioner Street and Coronation Road; thence as per S.G. diagram No. A.2399/09 over the farms Paardeplaats No. 73, Luipaardsvlei No. 8, Mooigelegen No. 92, Witpoortje No. 44; thence over Roodepoort No. 43 through the town of Roodepoort via Main Road and Dumat Street; thence to eastern boundary of Roodepoort No. 43, as defined by unapproved diagram S.G. No. A.2324/17; thence according to diagram S.G. No. A.4235/10 over the farms Vogelstruisfontein No. 62, Paardekraal No. 42, and Langlaagte No. 13 to peg M.R.R.W. No. 28 as per diagram S.G. No. A.4236/10; thence as per diagram S.G. No. A.4237/10 over the farms Langlaagte No. 13 and Turffontein No. 21 to M.R.R. No. 1 on Commissioner Street, Johannesburg; thence through the town and suburbs of Johannesburg via Commissioner Street, Betty Street, Marshall Street and Maddison Street to peg M.R.R. No. 3; thence as per diagram No. 5364/10 over the farm Doornfontein No. 24 to peg M.R.R. No. 34; thence through Elandsfontein No. 11 as per diagram S.G. No. A.5365/10 to peg M.R.R.E. No. 62; thence through Driefontein No. 12 and Driefontein No. 1 to Cason Road, Boksburg North, as per diagram No. S.G. A.5366/10; thence along Cason Road through Boksburg Township, leaving Cason Road and passing over Klipfontein No. 6 as per diagram S.G. No. A.2865/10 (unapproved); thence over Kleinfontein No. 2 to Market Avenue, Benoni, and along Market Avenue as per diagram S.G. No. A.2011/19; thence from Market Avenue, Benoni, over the farms Kleinfontein No. 2, Benoni No. 3 and Modderfontein No. 6 as per diagram S.G. No. A.1214/13; thence over the farm Geduld No. 4 to Geduld Township as per diagram S.G. No. A.760/13.

Second Schedule.

SCHEDULE OF ESTIMATED COST.

	1.	2.	3.	4.	5.	6.	7.
	Method of Construction.	Length. (Miles.)	Width. (Feet.)	Area. (Super Yards.)	Estimated Cost per Super Yard.	Cost of Construction.	Annual Maintenance, including Shoulders, Drainage, Culverts, etc., at 2d. per Super Yard per Annum.
Three-mile Post, West Rand to Prince's Avenue, Benoni (West End).....	Hot-mix	21	27	332,640	s. d. 8 9	£ 145,530	£ 2,770
Randfontein Township (North-East End) to Three-mile Post, West Rand, and from West End of Prince's Avenue, Benoni, to Geduld Township, terminating at a point near the Twenty-eight-mile Post.....	Penetration	35	21	431,200	6 10	147,327	3,590
TOTAL.....	—	56	—	763,840	—	292,857	6,360

Ord. No. 17
of 1928.

In the method of construction described as "penetration," the surface shall consist of broken stone over which, after it has been spread upon the foundations of the road, hot bitumen or asphalt shall be poured or applied in accordance with specifications to be approved.

In the method of construction described as "hot mix," the surface shall consist of broken stone which has, before being spread upon the foundations of the road, been mixed with heated bitumen or asphalt in accordance with specifications to be approved. After the stone so prepared has been spread upon the foundation of the road hot bitumen or asphalt shall be poured on or applied in accordance with specifications to be approved.

Ord. No. 18
of 1928.

AN ORDINANCE

To Provide for the Establishment, Maintenance and Management of Public Hospitals.

(Assented to 2nd August, 1928.)

(Date of operation, 1st January, 1929).*

(English copy signed by Governor-General.)

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

CHAPTER I.

Introductory.

Commence-
ment of
Ordinance.

1. This Ordinance shall come into operation on the first day of January, One thousand Nine hundred and twenty-nine save that all elections, appointments, proclamations, notices or regulations required or authorised by this Ordinance may be held, made or issued at any time after the promulgation hereof as far as may be necessary or expedient for the purpose of bringing this Ordinance into operation.

Definitions.

2. In this Ordinance if not inconsistent with the context—

"Administration" means the Transvaal Provincial Administration.

"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 advice and with the consent of the Executive Committee of the Province.

* Section I.

- “ Aided-hospital ” means a hospital in receipt of a grant-in-aid from the Administration prior to the commencement of this Ordinance.
- “ Board ” means a hospital board constituted under section *eight* of this Ordinance.
- “ Commencement of this Ordinance ” means the date on which this Ordinance came into operation.
- “ Contributor ” means in relation to a meeting of contributors to any public hospital, any person who has at any time contributed in one donation a sum of not less than ten pounds to the funds of the board of such public hospital or of any hospital committee which may at any time have administered such hospital, or who has during the calendar year preceding such meeting paid a subscription of not less than one pound in the case of public hospitals classified by the Administrator as central or first grade hospitals and in the case of any other public hospital ten shillings to the funds of the board of such public hospital whether such subscription has been contributed by himself or collected by him from other sources.
- “ Council ” means the advisory council appointed under section *four* hereof.
- “ Gazette ” means the official gazette of the Province of Transvaal.
- “ Honorary Visiting Medical Officer ” means a registered medical or dental practitioner, who subject to the approval of a board, holds any medical or dental appointment at a public hospital and is not in receipt of any salary, fees or other emoluments from such board in respect of the professional services rendered by him in connection with such appointment.
- “ Hospital ” means any institution, premises or place where persons are given medical or surgical care and curative treatment and shall include a convalescent home or a maternity home or an institution for the nursing of persons requiring such treatment outside the precincts of an institution specifically set apart for the

Ord. No. 18
of 1928.

—
Section 2.

Ord. No. 18
of 1928.

provision of medical and surgical treatment, but administered as part of an institution so set apart, and shall further include any other institution subsidiary to or the auxiliary of a hospital whether situate within or without the precincts thereof.

“Hospital Committee” means any board or committee of management of any Provincial hospital or aided hospital.

“Indoor relief” means relief given to any person within the precincts of a public hospital.

“Local Authority” means a town council or a village council constituted under the Local Government Ordinance 1926 or any amendment thereof.

“Municipality” means the area or district placed under the control and jurisdiction of a local authority.

“Pensions Ordinances” means the Transvaal Hospital Nurses’ Pensions Ordinance, 1919 and any amendment thereof and the Transvaal Hospital and School Board Officials’ Pensions Ordinance, 1927, and any amendment thereof.

“Provincial Hospital” means a hospital maintained by the administration out of the provincial revenue prior to the commencement of this Ordinance.

“Public Hospital” means a hospital or a portion of a hospital or a group of hospitals which is placed under the control and management of a board.

“Relief” includes maintenance and every form of medical surgical or nursing assistance given by a board in the execution of its powers to any person in connection with any public hospital.

Exemptions.

3. Nothing in this Ordinance shall apply to any hospital directly controlled or maintained by the Union Government or by a local authority.

Advisory
Council.

4. (1) As soon as possible after the promulgation of this Ordinance there shall be appointed by the Administrator an advisory council consisting of a chairman and not less than two and not more than four other members all of whom shall have had experience in or shall have a knowledge of some special phase of hospital administration or of finance for the

purpose of advising the Administrator on matters referred by him in connection with the administration of this Ordinance.

**Ord. No. 18
of 1928.**

(2) At least one and not more than two members of the council shall be registered medical practitioners and not more than two members shall be members of the public service.

(3) The council shall be convened from time to time at such date, time and place as the Administrator may decide.

(4) The members of the council shall be paid such fee for each day's attendance at such meetings as the Administrator may authorise.

(5) The members of the council shall hold office for a period of three years but shall be eligible for re-appointment.

(6) In the event of a casual vacancy occurring in the council the Administrator may appoint some other person to be a member of the council for the unexpired term of office of his predecessor.

(7) The Administrator may appoint any person in the service of the Administration as secretary of the council.

5. (1) As soon as may be possible after the commencement of this Ordinance or in the case of a new public hospital as soon as possible after its establishment the Administrator shall classify every public hospital for the purposes of this Ordinance as a—

Classification
of
hospitals.

- (a) Central Hospital;
- (b) First Grade Hospital;
- (c) Second Grade Hospital;
- (d) First Class Clearing Hospital; or
- (e) Second Class Clearing Hospital;

and shall publish such classification by notice in the *Gazette*.

(2) The Administrator may from time to time after consultation with the board and after reference to the council alter the classification of any public hospital and every such alteration shall be published in like manner as aforesaid.

Ord. No. 18
of 1928.

CHAPTER II.

Constitution and Incorporation.

Provisional
hospital
committees.

6. (1) The Administrator may from time to time constitute a provisional hospital committee for any area where he is satisfied that adequate hospital facilities do not exist in such area.

(2) It shall be the duty of such a committee when constituted to furnish the Administrator with such information as he may from time to time require for the purpose of ascertaining the hospital requirements in such area and the extent to which the inhabitants thereof are prepared to guarantee financial or other support towards the cost of implementing such requirements.

(3) If so authorised thereto by the Administrator the provisional hospital committee appointed under sub-section (1) hereof may collect funds towards the establishment of a hospital for such area and may secure guarantees for the provision of such funds.

Power of
Administra-
tor to
authorise
establishment
of a
hospital.

7. If the Administrator is satisfied that a hospital is required for any area which cannot be adequately served by an existing public hospital and that the inhabitants of such area are able and willing to make such financial provision as he may deem adequate towards the cost of establishing and maintaining such hospital he may authorise the establishment of a hospital for such area and shall constitute therefor a board under the provisions of this Ordinance.

Establish-
ment of
boards.

8. (1) The hospital committees mentioned in the First Schedule to this Ordinance shall be and are hereby constituted boards for the management in each case of the hospital or group of hospitals managed by such committees at the commencement of this Ordinance.

(2) The Administrator may from time to time by proclamation in the *Gazette*—

(a) constitute a board for any hospital and may assign a name to such board;

(b) transfer any hospital or hospitals from the control of a board having the management of a group of hospitals to the control and management

of another board or constitute therefor a separate board and assign a name to such board and give any directions as to any matters or things that may be necessary in connection with any such transfer;

**Ord. No. 18
of 1928.**

—
Section 8.

- (c) in the case of a hospital or portion of a hospital for which a board has not been constituted hereunder assign such hospital or portion of a hospital after consultation with the managing body or committee thereof to the control and management of a board which has been so constituted.
- (d) in the case of any hospital situate outside the limits of a municipality for the control and management of which an application has been made to him for the constitution of a board hereunder and after such application has been referred to the council, constitute a board for such hospital in such manner as he shall think fit and may in such proclamation prescribe the composition, the number of members and the qualifications for membership, and the provisions of sections *nine to seventeen* (inclusive) of this Ordinance shall not apply to any board constituted in terms of this paragraph.

(3) Every board constituted as aforesaid shall under the name of the Hospital Board of be each and severally a body corporate with perpetual succession and shall by such name be capable in law of suing and being sued, of purchasing holding and alienating land, and generally of doing and performing such acts and things as bodies corporate may by law do and perform subject to the provisions of this Ordinance and any other law.

(4) Every such board may sue and be sued in the name of the chairman of the board for the time being.

(5) The members of every hospital committee constituted a board hereunder shall cease to hold office at the commencement of this Ordinance.

Ord. No. 18 Appointment
of 1928. of members.

9. (1) The Administrator may fix and from time to time increase or decrease the number of members of any board and every such increase or decrease shall be notified by proclamation in the *Gazette* provided that the number of members for any board shall be either six or twelve save that in the case of the Johannesburg Hospital Board the number of members shall be eighteen.

(2) (a) One-third of the members of a board shall be appointed by the Administrator from among persons who shall have such qualifications as in the opinion of the Administrator are necessary or serviceable in connection with finance or business or some phase of hospital administration and work or who have had trained nursing experience.

(b) One-sixth of the board shall be appointed by the honorary visiting medical officers provided that where there are no such officers such members of the board shall be appointed by the Administrator but shall not hold office for longer than three years or after the appointment of one or more of such officers.

(c) Save as is provided in the next succeeding paragraph one-sixth of the members of the board shall be appointed by such public bodies as may be approved by the Administrator from among persons qualified as prescribed in paragraph (a) hereof.

(d) In the case of the Johannesburg Hospital Board, to which the provisions of paragraph (c) hereof shall not apply, there shall be appointed as members of such board in addition to the members appointed under paragraphs (a) and (b) hereof the following:—

- (i) two members appointed by the Johannesburg Town Council provided that such members need not be councillors;
- (ii) one member appointed by the Transvaal Chamber of Mines;
- (iii) one member appointed by the Johannesburg Chamber of Commerce;
- (iv) one member appointed by the Council of the University of Witwatersrand;
- (v) one member appointed by the Transvaal Agricultural Union;

provided that in the event of any such bodies declining or failing to make any appointment hereunder the Administrator shall make such appointment.

(e) One-third of the members of a board—and in the case of the Johannesburg Hospital Board one-sixth of the members of such board—shall subject to the provisions of sub-section (6) of section *thirteen* hereof be elected by the registered contributors from amongst their number at the annual general meeting of such contributors which shall be held as hereinafter provided subject to an amount equal to one-half per cent. of the expenditure of the board having been contributed to the funds of the board by them during the preceding year for every member so elected. If such contributors shall be unable or shall fail or neglect or refuse to elect members hereunder it shall be lawful for the remaining members of the board to elect such persons as members as shall together with any members duly appointed or elected as hereinbefore provided make up the full number of members of the board provided that such members as may be elected by the remaining members shall retire from office at the next ensuing annual general meeting of contributors.

Ord. No.
of 1928.

10. (1) Where under the provisions of section *nine* hereof— Retirement
of members.

- (a) the number of persons appointed or elected by any appointing or electing body does not exceed one, such member shall hold office for a period of one year except the member appointed under paragraph (c) of sub-section (2) of the said section who shall hold office for a period of three years;
- (b) there are two members so appointed or elected they shall hold office for a period of two years except that at the commencement of this Ordinance one shall be appointed or elected for one year only;
- (c) there are three members so appointed or elected they shall hold office for a period of three years except that at the commencement of this Ordinance one shall be appointed or elected for a period of two years only and one for a period of one year only;
- (d) there are four members so appointed or elected they shall hold office for a period of four years except that at the commencement of this Ordinance one shall

Ord. No. 18
of 1928.

be appointed or elected for a period of three years only, one for a period of two years only and one for a period of one year only;

- (e) there are six members so appointed they shall hold office for a period of three years except that at the commencement of this Ordinance two shall be appointed for a period of two years only and two for a period of one year only.

(2) The members appointed under the provisions of paragraph (d) of sub-section (2) of section *nine* shall hold office for a period of three years except that at the commencement of this Ordinance one of the members appointed by the Johannesburg Town Council and the member appointed by the Johannesburg Chamber of Commerce shall hold office for a period of two years only and the members appointed by the council of the University of the Witwatersrand and by the Transvaal Agricultural Union shall hold office for a period of one year only.

(3) In the case of members elected by contributors, those securing the highest number of votes at the first election shall remain longest in office.

(4) Where more than one member is appointed by any body such body shall determine which of the members so appointed shall remain longest in office.

(5) The members to retire in any year under the provisions of this section shall not hold office, unless re-appointed, after the annual general meeting of the board in that year, or in the case of members elected by contributors after the annual general meeting of contributors.

Administra-
tor's power
to appoint
provisional
boards.

11. (1) In the event of all the members of a board ceasing to hold office in terms of this Ordinance, the Administrator may appoint a provisional board to carry out the duties of a board under this Ordinance until the appointment and election of a board as hereinbefore provided.

(2) If any board shall at any time neglect to hold a meeting for the space of ninety days the Administrator may dissolve such board and nominate and appoint by proclamation in the *Gazette* such number of fit and proper persons as he shall select having due regard to

the principles underlying the provisions of section *nine* to form such a board for the purposes of this Ordinance and every such nominated board shall be competent to exercise and is hereby required to exercise the powers and authorities vested under this Ordinance in the board which has been so dissolved, provided that every nominated board shall continue to sit until it be dissolved by proclamation of the Administrator in the *Gazette* and prior to such dissolution a board shall be elected or appointed at such date as may be notified by the Administrator and in manner provided in this Ordinance, provided further that the date to be so notified by the Administrator shall be not later than six months after the date of the proclamation appointing such board in terms of this sub-section.

12. (1) The annual general meeting of the board shall be convened not later than the fifteenth day of March in each year for the purpose of—

Annual
general
meeting of
board.

- (a) receiving, and, if approved, adopting the annual report, audited accounts and balance sheet for the preceding year; and
- (b) transacting such other business as may be transacted at an annual general meeting of the board.

(2) The first annual general meeting of the board shall be held in the year nineteen hundred and thirty.

(3) Seven days' notice specifying the place and day and hour of such meeting shall be given.

13. (1) The annual general meeting of contributors shall be convened by the board to take place after the annual general meeting of the board but not later than the fifteenth day of March in the year one thousand nine hundred and thirty and each succeeding year for the purpose of receiving the annual report of the board and of electing elective members to the board.

Annual
general
meeting of
contributors.

(2) Every such meeting shall be presided over by the chairman of the board or in his absence by a member of the board deputed thereto by the board.

(3) The date, time, and place of every such meeting shall be notified to contributors by

Ord. No. 18
of 1928.

post or by advertisement in some newspaper circulating locally or by both methods as shall be decided by the board.

(4) The election by the contributors at such meeting of members of a board as provided for in sub-section (2) (e) of section *nine* of this Ordinance shall take place in accordance with regulations which the Administrator shall make and publish in the *Provincial Gazette*.

(5) Every hospital committee of an aided hospital shall in the month of December one thousand nine hundred and twenty-eight appoint from among such subscribers to such hospital as are contributors within the meaning of this Ordinance one or more members as may be required by the constitution of the board to act as an elective member or members on the board until the first annual general meeting of contributors under this section. If such committee shall fail to make any appointment hereunder such member or members shall be appointed by the Administrator.

(6) In the case of a provincial hospital the Administrator shall in the month of December one thousand nine hundred and twenty-eight appoint as members of the board to be constituted in terms of sub-section (1) of section *eight* hereof one or more members in place of such members as are required by the constitution of the board to be elected by contributors and the members so appointed shall hold office until the first annual general meeting of contributors under this section.

Members to
be capable
of re-
appointment
or re-
election.

14. Every member shall, unless his office sooner becomes vacant in terms of section *sixteen* of this Ordinance hold office until the election or appointment of his successor in accordance with this Ordinance, but shall be capable of re-appointment or re-election.

Disqualifi-
cation of
members.

15. (1) The following persons shall be incapable of being elected or appointed or if elected or appointed of continuing to be members of a board:—

- (a) A minor.
- (b) A person of unsound mind, declared as such by a competent court.
- (c) A person whose estate shall be in liquidation or under assignment in trust for his creditors.

Ord. No. 18
of 1928.

- (d) An unrehabilitated insolvent.
- (e) A person convicted at any time of an offence for which imprisonment with hard labour has been imposed as a punishment unless he shall have obtained a free pardon, or his period of imprisonment shall have expired at least three years prior to the date of his appointment or election.
- (f) A person who holds any office or place of profit under or in the gift of the board.
- (g) A person who is concerned or interested (otherwise than as a member of an incorporated company) in any contract made by the board, if the payment made or to be made in respect of any such contract exceeds five pounds in the case of a single contract, or ten pounds altogether in any calendar year in the case of two or more contracts;

provided, however, that an interest in any lease granted or agreed to be granted to or by the board, or in any loan raised by the board, whether on security or otherwise shall not constitute a disqualification under this section.

Provided further that if it shall appear to the Administrator, on application by the board, that any contract granted or to be granted by the board is desirable in the public interest, he may relax the provisions of this section in respect of such contract, and thereupon the granting of such contract shall not constitute a disqualification under this section; and provided further that upon the application of the board of any hospital other than a hospital classified by the Administrator as a central hospital or as a first grade hospital the Administrator may direct that the provisions of paragraph (g) of this sub-section shall not apply in the case of such hospital.

(2) Subject to the provisions of this section, any white person, whether male or female, may be elected or appointed as a member of a board.

16. The office of any member of a board shall become vacant if he—

- (a) dies; or
- (b) resigns his office by writing under his hand delivered to the secretary or the chairman of the board; or

When the
office of a
member
becomes
vacant.

Ord. No. 18
of 1928.

- (c) becomes insolvent, or makes any composition with his creditors for less than twenty shillings in the pound, or makes an assignment of his estate for the benefit of his creditors; or
- (d) becomes of unsound mind; or
- (e) is convicted at any time of an offence for which imprisonment with hard labour has been imposed; or
- (f) is absent without leave from three consecutive ordinary meetings of the board: or
- (g) holds any office or place of profit under or in the gift of the board; or
- (h) is concerned or interested (otherwise than as a member of an incorporated company) in any payment for goods supplied or for services rendered to the board or in any contract made by the board, if the amount involved in respect of any such payment or contract exceeds five pounds in the case of a single payment or contract, or ten pounds altogether in any calendar year in the case of two or more payments or contracts.

Provided, however, that an interest in any lease granted or agreed to be granted to or by the board or in any loan raised by the board, whether on security or otherwise, shall not constitute a cause of forfeiture of office under this section.

Provided further that if it shall appear to the Administrator on application by the board that any intended purchase or payment for services to be rendered or that any contract to be granted would be desirable in the public interests, he may relax the provisions of this section in respect of such purchase payment or contract, and thereupon the making of such purchase or payment or the granting of such contract shall not constitute a cause of forfeiture of office under this section; and provided further that upon the application of the board of any hospital other than a hospital classified by the Administrator as a central hospital or as a first grade hospital the Administrator may direct that the provisions of paragraph (h) of this section shall not apply in the case of such hospital.

The filling
of casual
vacancies.

17. (1) When a member of a board vacates his office on the board through the operation of the last preceding section the Administrator,

the honorary visiting medical officers or the public body authorised thereto by the Administrator (as the case may be according to the original methods of appointment of such member) shall appoint some qualified person in his place.

(2) When an elected member so vacates his office, the board shall at its next meeting appoint some qualified person from amongst the contributors to fill the vacancy.

(3) If no such appointment is made within two months after the vacancy has occurred the Administrator may appoint some qualified person to fill the vacancy.

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

18. The establishment of a board and the validity or legality of acts done by a board shall not be affected by any error or defect in the election or appointment of any member of the board, or by the fact that the full number of members has not been elected or appointed, or by the fact that any person acting as a member of the board is disqualified or has vacated his seat.

Acts of boards not affected by reason of manner of appointment or election, etc.

19. Each board constituted under sub-section (1) of section *eight* of this Ordinance shall for all purposes be deemed to be the successor of the hospital committee of the hospital or group of hospitals for the control and management of which such board is constituted.

Board's successors to hospital committees.

CHAPTER III.

Powers of Boards Management and Administration.

20. (1) A board shall have the control and management in accordance with this Ordinance of the hospital or group of hospitals for the management of which it was constituted under sub-section (1) of section *eight* hereof and of any hospital or portion of a hospital the control and management of which is transferred to it by the Administrator after it has been so constituted and of any hospital which is established by the board in accordance with the provisions of this Ordinance.

Control of hospitals vested in board.

**Ord. No. 18
of 1928.**

(2) A board may from time to time with the consent of the Administrator establish a hospital and such hospital shall upon such establishment be under the control and management of the board subject to the provisions of this Ordinance.

**Meetings
of the board.**

21. (1) The first meeting of a board constituted under this Ordinance shall be held at such time and place as the Administrator shall appoint.

(2) The ordinary meetings of the board shall be held at least once a month at such times and places as the board may from time to time appoint. Before the holding of any such meeting notice shall be given in writing to each member of the board of the business to be transacted thereat. The accidental omission to serve on any member such notice shall not affect the validity of any meeting.

(3) The chairman may at any time and shall at the request in writing of not less than one-third of the members of the board call a special meeting of the board; provided that the notice of any special meeting shall specify the object of the meeting.

**Appointment
of chairman.**

22. (1) At the first meeting of a board after the commencement of this Ordinance or so soon thereafter as may be, the board shall elect one of its members to be the chairman thereof and, if it so desires, another to be vice-chairman thereof.

(2) During the month of March and after the annual general meeting of board, or as soon thereafter as may be, in the year one thousand nine hundred and thirty and each year thereafter the board shall elect one of its members to be the chairman thereof, and, if it so desires, another to be vice-chairman thereof.

(3) When the chairman of a board resigns his office by writing under his hand delivered to the secretary or in the absence of the secretary then to any member of the board, or ceases to be a member of the board, his office as chairman thereof shall become vacant, and the board shall so soon as may be thereafter elect one of its members to be the chairman thereof.

(4) Every person elected as chairman of a board shall hold office until the election of his successor, unless his office sooner becomes vacant.

23. (1) At every meeting of the board the chairman, if present, shall preside.

Chairman to preside at meetings.

Ord. No. 18 of 1928.

(2) If the chairman is absent from any meeting, or if there is for the time being no chairman, the members present shall, unless there be a vice-chairman and he is present at the meeting, choose one of their number to act as chairman at that meeting, and the member chosen shall have the same powers at that meeting as if he were the chairman of the board.

24. (1) Every question before the board shall be decided by the votes of a majority of the members present.

Method of deciding questions before the board.

(2) The chairman shall have a deliberative vote, and also in any case where the votes are equal, a casting vote.

(3) No business shall be transacted at any meeting unless at least a quorum of members is present thereat during the whole time during which the business is transacted.

(4) A quorum shall consist of not less than one-third of the members of the board, including the chairman, provided that it shall not in any case consist of fewer than three members.

25. All meetings of the board shall be open to the public unless during any meeting it is deemed that any subject can be more conveniently and advantageously discussed in private, in which case it shall be competent for the board to resolve itself into committee and to exclude the public from the meeting; and any resolutions adopted by the board in committee shall have the same effect as if adopted by the board when not in committee.

Meetings of board to be open to the public.

26. (1) For the administration of any matter within the powers of a board the board may, if and so long as it thinks fit, establish and maintain from amongst its members a committee, and every such committee shall, subject to the control of the board, have the general administration of the matter in respect of which it is established.

Board may appoint standing committees.

(2) A committee may be established for each hospital whenever there is more than one hospital under a board and the honorary visiting medical officers at every such hospital shall have the right to nominate a representative to serve on the committee established by the board.

Ord. No. 18
of 1928.

Acts and
proceedings
of commit-
tees to be
reported
to the
board.

27. All the acts and proceedings of a committee appointed under section *twenty-six* hereof shall be reported to the board, and shall not, except so far as the board by regulation or resolution otherwise provides, have any operation or effect until approved at a meeting of the board.

Proceedings
of board
and commit-
tees to be
governed by
regulations.

28. (1) The proceedings of a board and the proceedings and powers of every committee appointed under section *twenty-six* hereof shall be governed by such regulations not inconsistent with the provisions of this Ordinance as are made by the board with the approval of the Administrator from time to time.

(2) Proper minutes shall be kept of all such proceedings.

Appointment
of officers.

29. (1) A board may from time to time subject to the provisions of this Ordinance appoint a superintendent, a secretary, and such other officers, matrons, nurses, attendants and servants (hereinafter referred to as employees) as it deems necessary to assist in the management of any public hospital under its control or otherwise in the execution of this Ordinance, provided that no person may be appointed hereunder who is a member of a board or who has been such a member during the preceding six months.

(2) Every person in the employment of a hospital committee at the commencement of this Ordinance shall be deemed to have been appointed by the board under and for the purposes of this Ordinance

(3) All persons appointed in terms of this section and all employees of a hospital committee taken over by the board shall be paid out of the revenues of the board such salaries, wages or other remuneration as the board thinks fit, subject to the provisions of the next succeeding sub-section.

4. (a) The Administrator may from time to time, for the purposes of approving the expenditure of a board in terms of sub-section (1) of section *sixty-five* of this Ordinance—

- (i) determine after consultation with the council what the approved staff of any public hospital shall be; and
- (ii) prescribe scales of salaries wages and allowances applicable to the various classes of employees of public hospitals who are eligible for membership

Ord. No. 18
of 1928.

of a fund in terms of the Pensions Ordinances and to their employment in the service of boards, and the employees to whom such scales are applicable shall be paid salaries wages and allowances in accordance with such scales;

provided that a board may subject to the provisions of sub-section (2) of section *sixty-five* of this Ordinance—

- (i) appoint such employees as it may think fit outside of the approved staff as determined by the Administrator;
- (ii) pay any employee a higher salary or wage than is payable in accordance with the scale applicable to such employee;
- (iii) specially advance any employee within the scale applicable to such employee;

provided further that any expenditure incurred by a board in the exercise of its powers under sub-paragraphs (i) (ii) or (iii) of the first proviso hereof shall not unless specially authorized by the Administrator be regarded as approved expenditure for the purposes of section *fifty-eight* of this Ordinance.

(b) The salaries, wages and allowances paid to employees in respect of whom scales have not been prescribed shall be those approved by the board unless the Administrator has expressly approved the payment of other salaries wages and allowances.

(c) The scales of salaries wages and allowances in force at the commencement of this Ordinance in respect of provincial hospitals shall be deemed to be the scales as if prescribed hereunder until altered by the Administrator under paragraph (a) hereof.

(d) Notwithstanding anything herein contained an employee's salary or wages shall not be reduced below the amount payable in accordance with the scale applicable to such employee and he shall not be placed on a lower scale except with the approval of the Administrator.

30. No person who is at the commencement of this Ordinance contributing to a pension fund under the provisions of the next succeeding section shall be removed from office, or have his pensionable salary or emoluments

Special provisions in regard to pensionable officers.

**Ord. No. 18
of 1928.**

reduced without his consent unless the sanction of the Administrator has been obtained provided that the board may suspend any such person from the duties or emoluments of his office for gross incapacity neglect or misconduct, pending the sanction of the Administrator to his dismissal and in the event of such sanction being granted such person shall be deemed to be removed from office from the date of such suspension or such later date as may be determined by the board.

Pensions.

31. (1) The provisions of the Pensions Ordinances shall continue to apply to every public hospital which before the commencement of this Ordinance was a provincial hospital.

(2) The Pensions Ordinances shall be and are hereby applied respectively to the nurses of every other public hospital and to those officers thereof who occupy such posts as may from time to time be prescribed by the Administrator provided that wherever the expression "fixed date" is used in the Pensions Ordinances it shall, in the case of the employees mentioned in this sub-section, mean the first day of April one thousand nine hundred and twenty-nine and provided further that the board shall determine what period of past continuous service (if any) prior to the fixed date any such employee shall be entitled to reckon for pension purposes.

(3) From and after the commencement of this Ordinance a board shall on demand pay to the Administration for the benefit of the funds established under the Pensions Ordinances—

- (a) any contributions due by nurses and officers in the service of the board;
- (b) any sums which under the provisions of such Ordinances are payable by the administration provided that the administration shall continue to be liable for and to pay any sums in respect of the arrear service of the nurses and officers mentioned in sub-section (1) hereof due by the administration at the commencement of this Ordinance.

(4) Any amount paid to any employee under sub-paragraph (ii) of the first proviso to paragraph (a) of sub-section (4) of section *twenty-nine* hereof which shall be in excess of the

salary or wage which would have been paid in accordance with the prescribed scale shall not be deemed to be included for the purposes of the Pensions Ordinances in his pensionable emoluments but shall for all purposes be regarded as a personal non-pensionable allowance.

**Ord. No. 18
of 1928.**

32. (1) No matron, sister, staff nurse, head nurse or charge nurse shall hold office after the commencement of this Ordinance in connection with any public hospital unless registered as a trained nurse by the medical council of a Province of the Union or by any lawful successor thereof.

Certain
officers to be
registered.

(2) No midwife shall hold office after the commencement of this Ordinance in connection with any public hospital unless registered as a certificated midwife by the medical council of a Province of the Union or by any lawful successor thereof.

(3) Nothing in this section contained shall prevent any unregistered person holding any office as matron, sister, head nurse, staff nurse, charge nurse, or midwife in connection with any hospital under a hospital committee before the first day of January, one thousand nine hundred and twenty-nine from continuing to hold the same or from holding any similar office in a public hospital after the commencement of this Ordinance.

33. Every document requiring authentication by the board shall be sufficiently authenticated if signed by two members thereof or by such officer of the board duly authorised thereto by any resolution or regulation of the board.

Authentica-
tion of
documents.

34. All contracts the value of the subject matter of which exceeds the sum of fifty pounds shall be in writing and shall be signed by two members of the board and by the secretary.

Contracts.

35. A board may compound with any person for such sum of money or other recompense as it thinks fit in respect of the breach of any contract or in respect of any debt or money payable to the board whether before or after action brought for the recovery thereof.

Board may
compound in
respect of
breaches of
contract.

**Ord. No. 18
of 1928.**

Certain
contracts to
be approved
by Admini-
strator.

36. No contract with the managers of a sick fund or benefit society or government department for the grant of indoor relief at a rate lower than the average daily cost of maintenance shall be entered into by a board without the sanction of the Administrator.

Property of
dissolved
boards to
vest without
conveyance
in boards.

37. (1) On the establishment of a board under this Ordinance, all movable and immovable property of every description vested in any hospital committee shall vest in that board without conveyance or assignment for the estate and interest of the hospital committee therein and it shall be lawful for the Governor-General to transfer to the board in terms of this section any land registered in the name of the Government and used by a hospital committee for the purposes of a hospital.

(2) Notwithstanding anything in this section contained the immovable property used by the Pretoria Hospital at the commencement of this Ordinance shall not be vested in the board but shall as soon as may be after the new buildings in course of erection for that hospital are opened be handed over by the board to the Administration.

(3) On the constitution of a board in terms of sub-section (1) or sub-section (2) of section *eight* hereof all the assets and liabilities of the hospital committee of which it is the successor in terms of section *nineteen* hereof shall become the assets and liabilities respectively of such board.

(4) Where any land or any estate or interest in land becomes by virtue of this Ordinance vested in a board without conveyance or assignment, and a hospital committee or any trustee appointed in connection with a hospital committee is the registered owner of that land, estate or interest, the Registrar of Deeds shall, at the request of the board, and on being satisfied, by sworn declaration or otherwise, of the title of that board, register that board as the owner of the said land, estate or interest in lieu of the said hospital committee or trustee.

Ord. No. 18
of 1928.

38. All property which vests in a board as the successor of a hospital committee in accordance with this Ordinance shall remain subject to any trusts affecting that property at the time when it so vests and shall at all times thereafter be appropriated and dealt with by the board for the purposes of those trusts, and in accordance with the terms thereof, except in so far as those purposes and terms are in the opinion of the Administrator repugnant to or inconsistent with the provisions of this Ordinance.

Property vested in board as successor of hospital committee to remain subject to existing trusts.

39. (1) A board may accept any property, by way of bequest, devise or gift in trust for the purpose of any existing or future hospital under its control, or in trust for any purpose to which the board can lawfully apply its own property.

Board may accept property in trust.

(2) All property accepted by a board in trust under the authority of this section, and all income derived therefrom shall be appropriated and dealt with by it for the purposes of the trust and in accordance with the terms thereof so far as those purposes and terms are in the opinion of the Administrator consistent with the provisions of this Ordinance.

40. A board may, with the consent of the Administrator, sell or otherwise alienate or dispose of any movable or immovable property vested in it other than land held in trust for any special purpose, and pay or receive any money by way of equality of exchange.

Board may sell or exchange land.

41. (1) A board may, with the approval of the Administrator, grant leases of any lands vested in it.

Board may lease land.

(2) The powers of leasing hereby conferred upon a board shall extend to any endowment vested in it, and to land held by it upon any trust: but it shall not be lawful for the board to grant a lease of any such endowment or trust property for such terms or upon such conditions as are in the opinion of the Administrator inconsistent with the due and proper use of the same for the purposes for which it is vested in the board.

42. The powers of selling, exchanging, mortgaging, or encumbering land which are conferred upon the board by this Ordinance shall, with the consent of the Administrator,

Board may sell, etc., lands held in trust.

**Ord. No. 18
of 1928.**

extend to land held in trust for any special purpose notwithstanding the terms of that trust; but the proceeds of any such sale and the land or money obtained by any such exchange, shall be subject to the same or similar trusts, so far as may be as the land so disposed of.

Property
acquired to
vest in
board.

43. All property acquired by a board shall be vested in such board.

Erection of
buildings by
board.

44. No new building shall be erected by a board and no structural additions or alterations shall be made by it to any building without the previous consent of the Administrator if the cost exceeds—

in the case of a public hospital classified by the Administrator as a central hospital: one thousand pounds;

in the case of a public hospital so classified as a first grade hospital: four hundred pounds;

in the case of a public hospital so classified as a second grade hospital: two hundred and fifty pounds;

and in the case of a public hospital so classified as a first or second class clearing hospital: one hundred pounds;

provided that plans and specifications of every proposed new building or structural alteration or addition shall be forwarded by the board to the Administrator for his information.

Board may
close a
hospital.

45. A board may, with the previous consent in writing of the Administrator, close a hospital under its control.

Maintenance
of hospitals
to be to
satisfaction
of the
Administra-
tor.

46. (1) It shall be the duty of every board, at all times to maintain all hospitals under its control to the satisfaction of the Administrator.

(2) It shall be the duty of every board to receive into any hospital under its control, so far as adequate accommodation is therein available, any person suffering from any of the diseases for the relief of which that hospital is established. Patients shall be admitted according to the urgency of the need for relief but in any area where a suitable private nursing home exists with vacant accommodation the sick poor shall, other things being

equal, always have preference at any such hospital.

Ord. No. 18
of 1928.

47. (1) In any public hospital classified by the Administrator as a central hospital patients paying not less than the full tariff charges whether in general or in private wards shall be liable for medical fees to their medical attendants and shall, subject to the provisions of this Ordinance, be entitled to select such attendant whether on the staff or not.

Patients
paying full
tariff to be
liable for
medical fees.

(2) In any public hospital not so classified by the Administrator as a central hospital patients paying seven shillings and sixpence per diem and over shall be liable for medical fees to their medical attendants and shall, subject to the provisions of this Ordinance, be entitled to select such attendant whether on the staff or not.

(3) Nothing herein contained shall prevent a board from refusing to any registered medical practitioner access to any public hospital or to any specified portion thereof, provided that any such practitioner may appeal to the Administrator whose decision in the matter shall be final. Provided further that where any member of a board has moved that access be refused to a registered medical practitioner, in circumstances where the admission of such practitioner affects what the Administrator deems to be an issue of general policy, and the board has not accepted such motion, such member may appeal to the Administrator, whose decision in such a case shall also be final.

48. (1) Except in cases of emergency the board shall refuse assistance to any applicant for indoor relief at a public hospital, until such applicant, or any person responsible for such applicant has supplied the information necessary to enable a form of admission as prescribed in the Second Schedule hereto to be completed, has duly signed such form and has produced a certificate from the applicant's medical attendant, if any, or if the applicant has no medical attendant, from any person approved of by the board, stating his knowledge of the circumstances of such applicant.

Applicants
for relief
to furnish
correct
information.

**Ord. No. 18
of 1928.**

(2) If for any reason the provisions of this section cannot immediately be complied with, the board may furnish temporary relief to any applicant pending further inquiry.

(3) This section shall not apply to any applicant undertaking to pay for such relief at a rate not less than the tariff of fees for patients in general wards in operation at the public hospital.

(4) If any such applicant or any person knowingly or wilfully on behalf of such applicant furnishes any false, incorrect or misleading information, with a view to obtaining relief from the board free of cost or at a lower rate than otherwise such applicant would be required to pay, he shall be guilty of an offence and shall upon conviction be liable to a fine not exceeding ten pounds or to imprisonment with or without hard labour without the option of a fine for a period not exceeding three months.

Board to
keep contri-
butors'
names and
addresses.

49. Every board shall keep a book to be styled "The Contributors' Register," in which shall be entered the names and addresses of all contributors and the amount or amounts subscribed by each contributor.

Framing of
regulations
by board.

50. (1) A board, in respect of any hospital under its control, may from time to time make, revoke or amend regulations, not inconsistent with this Ordinance, as to any of the following matters:—

- (a) regulating the admission or discharge of patients and other persons receiving treatment and the tariff of charges applicable to patients;
- (b) maintaining order, discipline, decency and cleanliness among the inmates of such hospital;
- (c) prescribing the duties of the honorary visiting medical officers and of the officers, nurses, attendants, and servants and the conditions upon which registered medical practitioners not on the staff may, subject to the provisions of section *forty-seven* hereof, attend patients at such hospital;
- (d) regulating the appointment duties and privileges of employees;
- (e) regulating the grant of relief to patients or other persons not being inmates of such hospital;

Ord. No. 18
of 1928.

- (f) generally making provision for all matters affecting the management, care, control, and superintendence of such hospital and the fulfilment of the purposes thereof;
- (g) preventing trespass upon the premises of such hospital or the grounds attached or belonging thereto;
- (h) prohibiting the introduction of any specified articles into such hospital;
- (i) providing for a breach of any regulation framed under sub-section (g) or (h) hereof a penalty not exceeding five pounds or one month's imprisonment.

(2) The making, revocation or amendment of any such regulation shall not take effect unless and until approved by the Administrator and published in the *Gazette*.

(3) The Administrator may by notice in the *Gazette* at any time repeal any regulation in force at the commencement of this Ordinance.

(4) Any regulation may relate either to a single hospital or to two or more hospitals or generally to all hospitals under the control of the board.

(5) All regulations in force with respect to any public hospital at the commencement of this Ordinance shall, so far as they are consistent with this Ordinance and the regulations thereunder, remain in force with respect to such public hospital as if they had been framed under this Ordinance, and may be revoked, varied and enforced in the same manner as if they had been made by the board in which such hospital is vested.

CHAPTER IV.

Financial.

51. (1) A board shall keep such books and accounts and render such returns as the Administrator after consultation with the council may within three months after the commencement of this Ordinance and thereafter from time to time prescribe.

Account
books and
records

(2) Separate accounts shall be kept in respect of all trust, endowment or sinking funds under control of the board.

Ord. No. 18
of 1928.

(3) All books and accounts shall be open to inspection by any member of the board and by any person duly deputed thereto by the Administrator at any reasonable time.

(4) The financial year of the board shall end on the thirty-first day of December in each year.

Fees and
other receipts
to be
retained by
the board.

52. From and after the commencement of this Ordinance all fees and other receipts shall be retained by the board.

Provincial
subsidies.

53. There shall be paid to every board by the Administrator out of moneys appropriated by the Provincial Council such sums by way of subsidy as are hereinafter provided and as may be necessary to meet the approved expenditure of the board.

Subsidy.

54. (1) A subsidy shall be payable in respect of fees received from patients and shall not exceed in the case of a public hospital classified hereunder as—

- (a) a central hospital, 25s. for every pound so received;
- (b) a first grade hospital, 20s. for every pound so received;
- (c) a second grade hospital—
 - (i) if the accommodation for patients in such hospital is not less than fifty beds, 15s. for every pound so received;
 - (ii) if the accommodation for patients is less than fifty beds, 10s. for every pound so received;
- (d) a first class clearing hospital, 7s. 6d. for every pound so received.
- (e) a second class clearing hospital, 7s. 6d. for every pound so received.

(2) The subsidy payable under this section shall be calculated on the fees received from patients during the preceding calendar year.

(3) The Administrator may either withhold or reduce the rate of the subsidy payable under this section in the case of a board which has not in his opinion made reasonably adequate provision for the relief of the sick poor or where in the public hospital under the management of such board the proportion of free patients to whom relief is given appears to him to be unduly low.

Ord. No. 18
of 1928.

(4) No subsidy shall be paid under the provisions of this section in respect of fees paid for any patients treated in wards for infectious or contagious diseases wards maintained by a board for or on behalf of one or more local authorities which have established such wards under the provisions of the Public Health Act, 1919, or of any other law.

55. (1) A special subsidy shall be payable annually to the boards of the Johannesburg, Boksburg, Krugersdorp and Germiston hospitals. Special subsidies.

(2) The said special subsidy shall be in the case of the board of the—

- (a) Johannesburg Hospital, £50,000;
- (b) Boksburg Hospital, £7,500;
- (c) Krugersdorp Hospital, £5,000;
- (d) Germiston Hospital, £3,000;

provided that the Administrator may at any time after due inquiry and after reference to the council reduce such subsidy in the case of any or all of the said boards if the circumstances in his opinion warrant such reduction.

56. (1) A special subsidy shall be payable annually to the boards of the Barberton, Klerksdorp, and Pietersburg hospitals, provided that the Administrator may at any time after due inquiry and after reference to the council reduce such subsidy in the case of any or all of the said boards if the circumstances in his opinion warrant any such reduction. Further special subsidies.

(2) The special subsidy referred to in subsection (1) hereof shall be in the case of the board of the—

- (a) Barberton Hospital, £3,750;
- (b) Klerksdorp Hospital, £1,750;
- (c) Pietersburg Hospital, £1,000.

(3) The Administrator may, after due inquiry and after reference to the council, from time to time pay from such funds as the Provincial Council may provide special subsidies to the board of any public hospital other than of a public hospital for which specific provision has been made in this and in the preceding section and he may in like manner increase the amount of any special subsidy payable under the said sections if the circumstances in his opinion warrant any such increase.

Ord. No. 18 of 1928. Subsidy on free patients.

57. (1) A subsidy shall be payable to every board based on the number of free patients treated during the preceding calendar year at the rate of five shillings per patient per diem in the case of European patients and two shillings and sixpence per patient per diem in the case of non-European patients.

(2) In the case of public hospitals other than central and first grade hospitals subsidy shall for the purposes of this section only be paid in respect of patients in respect of whom a magistrate issues a certificate that they are not in a position to contribute towards the cost of hospital treatment.

Subsidy on donations, etc.

58. (1) A subsidy shall be payable to every board of thirty shillings on every pound received in cash by way of subscriptions, donations or bequests for the maintenance of the public hospital provided, however, that not more than three-fifths of the difference between the approved expenditure of a board in terms of section *sixty-five* hereof and the revenue earned by the board under sections *fifty-two* to *fifty-seven* hereof shall be payable in any one year by way of subsidy under this section.

(2) When property or money is received by a board as a gift or bequest for the endowment of a public hospital the subsidy payable under this section shall not be paid on the capital sum, but shall be payable on the net income received in the year by the board in respect of such property or on the interest earned by the investment of such money.

Subsidy on bequests.

59. (1) In respect of bequests for expenditure on one or more specific purposes other than for the maintenance of the public hospital a subsidy of one pound shall, subject to the provisions of subsections (2) and (4) hereof, be payable for every pound of the value of such bequests, but shall not exceed one thousand pounds in the case of a central public hospital; seven hundred and fifty pounds in the case of a first grade public hospital, five hundred pounds in the case of a second grade public hospital and two hundred and fifty pounds in the case of a first or second class clearing hospital, in respect of the estate of a single testator.

(2) In respect of bequests for any such specific purpose or purposes as are mentioned

**Ord. No. 18
of 1928.**

in sub-section (1) of section *sixty-three* hereof the Administrator may, at his discretion, instead of paying a subsidy in terms of sub-section (1) hereof, grant a loan under the provisions of that section up to an amount not exceeding one pound for every pound of the value of such bequest.

(3) All moneys paid as subsidy or granted by way of loan in respect of any such bequest shall be deemed to form part of such bequest and shall be appropriated and expended in any manner in which the bequest may be lawfully appropriated and expended and not otherwise.

(4) Notwithstanding anything to the contrary in this section contained the Administrator may withhold any subsidy payable under this section or refuse to grant any such loan as aforesaid if having due regard to the classification of the public hospital concerned he is of the opinion that it is not desirable that the purpose of the bequest should be given effect to.

60. (1) The subsidies prescribed by this Ordinance shall be payable in such manner as the Administrator may determine. How subsidies payable.

(2) The Administrator may in any year make such advance payments to a board as he may think fit on account of the subsidy payable to such board in such year under the provisions of section *fifty-eight* of this Ordinance, provided that all amounts so advanced shall be deducted from the moneys thereafter payable to such board.

(3) Where a hospital has been established in terms of section *seven* of this Ordinance and a board has been constituted therefor the Administrator may, anything to the contrary in this Ordinance notwithstanding, determine the amount of the subsidy payable to such board during the first and, if he thinks fit, the second year of the existence of such hospital in such manner as he may decide.

61. A board may obtain advances from any bank by way of overdraft in such amounts and on such conditions as the Administrator may approve. Overdrafts.

Ord. No. 18 Loans.
of 1923.

62. A board may from time to time raise loans in such amounts and on such conditions as may be approved by the Administrator for any or all of the following purposes:—

- (a) The erection and equipment of buildings;
- (b) the erection of additions to buildings;
- (c) the carrying out of alterations to buildings;
- (d) the purchase of land for hospital purposes;
- (e) the repayment of any loan for which the board is liable; and
- (f) such other purposes of a capital nature as may be approved by the Administrator.

Provincial
loans.

63. (1) The Administrator may, subject to the provisions of this Ordinance and out of such funds as the Provincial Council may from time to time provide for the purpose grant loans to a board for all or any of the following purposes:—

- (a) The erection, construction, acquisition, extension or improvement of any building;
- (b) the acquisition of land or rights or interest in or over land;
- (c) the carrying out of any work of a permanent nature in relation to a matter entrusted to a board;
- (d) the repayment of any loan (other than a loan from the administration) for any of the purposes mentioned in paragraphs (a), (b) and (c) of this subsection.

(2) Every such loan shall be granted on such conditions and for such period as may be prescribed and shall with the interest due thereon be a charge upon the assets and revenues of the board and shall be repaid by equal half-yearly instalments so calculated that the whole loan with interest thereon will be repaid within such period not exceeding forty years.

Estimates.

64. (1) The board shall in the month of September of each year submit to the Administrator for approval estimates in such form as he may prescribe in respect of the succeeding year of—

- (a) revenue and expenditure on maintenance account; and

(b) receipts and payments on capital account.

Ord. No. 18
of 1928.

(2) If the Administrator is of opinion that there are reasonable grounds for considering that such estimates are excessive, he may refer them to the Council for report.

(3) If, after consideration of the report of the Council in terms of the preceding sub-section, the Administrator deem such estimates to be excessive he shall notify the board accordingly and if the board shall not thereupon make an amended estimate in accordance with his decision he may advise the board of the form in which he is prepared to approve such estimate and may reduce the subsidy payable to the board under this Ordinance.

(4) Every hospital committee shall not later than the fifteenth day of October 1928 submit to the Administrator for approval estimates as aforesaid in respect of the year 1929.

65. (1) The approved expenditure of a board for the purposes of section *fifty-eight* hereof shall be the estimates on maintenance account as approved by the Administrator under the last preceding section together with such additional expenditure under that head as may be subsequently approved by the Administrator from time to time, and no expenditure additional to the approved expenditure shall be incurred by a board without the approval of the Administrator as provided for in the next succeeding sub-section. Approved expenditure.

(2) A board may in any one year for the purposes of this Ordinance incur expenditure over and above the expenditure approved by the Administrator in terms of sub-section (1) hereof, up to an amount not exceeding such amount as the Administrator may authorise for such year, provided that no account shall be taken of such expenditure in the determination of subsidy in terms of section *fifty-eight* of this Ordinance.

66. The Johannesburg hospital board shall so long as it may be required by the Administrator so to do supply on repayment as nearly as possible at inclusive cost price any drugs dressings or medical requisites on requisition by any other board. Central Medical Store.

Ord. No. 18 of 1928. Grants-in-aid of new buildings.

67. When a provisional hospital committee or a board has collected funds for the erection and equipment of buildings it shall be lawful for the Administrator to contribute to the funds of the board established or to be established under this Ordinance on such conditions as he may prescribe on the pound for pound basis, provided, however, that no such contribution shall be made on any moneys received by the board by way of subsidy or in respect of which subsidy has already been paid under this Ordinance.

Provincial Administration not to be relieved of certain capital expenditure.

68. Anything to the contrary in this Ordinance notwithstanding the Administration shall not be relieved of any liability in respect of any undertaking given to a hospital committee by the Administrator prior to the commencement of this Ordinance to provide capital funds for the building and equipment of any new hospital or to provide capital funds or a grant-in-aid for the extension of an existing hospital and no interest or redemption charges shall be payable by a board in respect of any such capital funds.

Recovery of fees.

69. (1) Any fees charged under the provisions of this Ordinance shall be a debt due to the board and may be recovered by such board by action in any court of competent jurisdiction.

(2) The charges for the relief granted by or at the expense of a board to a married woman or a minor shall without excluding the liability at common law, if any, of the person so relieved, constitute a debt due to the board by the husband of the married woman, or the father, mother or guardian of the minor, as the case may be, and may be recovered by action in any court of competent jurisdiction.

(3) The charges recoverable shall be the sum (if any) agreed upon between the board and the person so liable, and in the absence of any such agreement shall be such sum as the court in which any action for the recovery thereof is brought, thinks reasonable, having regard to the means of the defendant and the circumstances of the case.

Audit.

70. (1) Subject to the provisions of paragraph (a) of sub-section (6) hereof the Administrator shall appoint one or more persons being officers of the public service to examine from time to time the accounts and records

of the board and the board shall, by the superintendent or other officer authorised by the board, produce and lay before the person or persons so appointed all books and accounts of the public hospital with all vouchers in support of the same and all books, papers and writings in their power relating thereto.

(2) Where no person or persons other than those appointed under the provisions of sub-section (1) hereof are appointed auditors of the accounts of the board under the provisions of sub-section (5) hereof the board shall pay to the Administrator within three months from the date of the auditor appointed under this section signing and certifying the accounts of the board for any one financial year, such sum as the Administrator may in each case determine as having been the cost of the audit of such accounts, provided that the amount so determined shall in no case exceed an amount calculated in terms of the third schedule to this Ordinance or be less than the minimum amount set forth therein as applicable to the case of such audit.

(3) Where any charge is payable by the board to the Administrator under this section it shall be the duty of the auditor to certify not less than once in each financial year whether or not—

- (a) the accounts of the board are in order;
- (b) the accounts and balance sheet are properly drawn up so as to exhibit a true and correct view of the affairs of the public hospital as shown by the books of that hospital;
- (c) the financial provisions of the law and regulations relating to public hospitals have been observed;
- (d) all his requirements and recommendations (as auditor) have been complied with and carried out.

(4) For the purpose of any audit under sub-sections (1) to (3) of this section, the provisions of sections *fifty-nine* and *sixty* of the Local Government Ordinance, 1926, shall *mutatis mutandis* apply.

(5) In addition to the auditor or auditors appointed by the Administrator, the board, after a resolution thereto duly passed by a two-thirds majority of the members of such board agreeing to appoint an auditor, may

Ord. No. 18
of 1928.

Section 70.

Ord. No. 18
of 1928.

Section 70.

appoint an auditor or auditors subject to compliance with the following provisions and subject to the provisions of paragraph (b) of sub-section (6) hereof:—

- (a) any member of the board may, prior to a date to be fixed by the board, nominate one or more duly qualified persons to act as auditor or auditors of the accounts of the board;
- (b) every nomination shall be referred to a committee consisting of not less than three members of the board, who shall make such recommendations to the board as they may deem fit, and the board shall, not less than fourteen days after the date so fixed, proceed to elect by ballot, one or more persons out of the persons nominated, or in the event of there being no nominations, one or more duly qualified auditors.

The election of such an auditor or auditors shall be for a period of three years, and the board shall fix at the time of his or their election the remuneration to be paid to him or them and such amount shall not be altered during his or their term of office. The auditor or auditors so appointed shall not be removed from office before the expiry of his or their term of appointment as aforesaid without the consent of the Administrator.

(6) (a) The auditor or auditors appointed by a hospital committee before the commencement of this Ordinance shall continue in office until the date of the annual general meeting referred to in sub-section (1) of section *thirteen* of this Ordinance.

(b) Where any board has by resolution passed as in sub-section (5) hereof provided, agreed to appoint an auditor or auditors, a person, other than a retiring auditor, not being an auditor appointed by the Administrator, shall not be capable of being appointed auditor hereunder unless notice of an intention to nominate that person to the office of auditor has been given by a member of the board not less than fourteen days before the expiration of the period of office of the retiring auditor, and the board shall send a copy of any such notice to the retiring auditor, and shall give notice thereof by advertisement in the press not less than seven days before the date of the meeting of the board convened for the purpose of appointing an auditor or auditors.

Ord. No. 18
of 1928.

(7) The auditor or auditors appointed as in sub-section (5) hereof provided shall have all the powers mentioned in section *fifty-nine* of the Local Government Ordinance 1926 and applied *mutatis mutandis* for the purpose of an audit by the auditors appointed by the Administrator and shall, in addition to the ordinary duties of auditors, certify not less than once in each financial year whether or not—

- (a) the accounts of the board are in order;
- (b) the accounts and balance sheet are properly drawn up so as to exhibit a true and correct view of the affairs of the public hospital, as shown by the books of that hospital;
- (c) the financial provisions of the law and regulations relating to public hospitals have been observed;
- (d) all his requirements and recommendations (as auditor) have been complied with and carried out.

71. (1) A board may appoint such persons as it thinks fit for the purpose of collecting voluntary contributions and donations for all purposes within the powers of the board. Collectors
of money.

(2) Proper records shall be kept by the board of collectors and collections and all moneys so collected shall be applied to the purposes for which they were collected.

(3) The provisions of the Charitable Institutions (Control) Ordinance No. 5 of 1926 shall not apply to any public hospital.

72. All moneys belonging to a board shall, pending investment or expenditure in accordance with this Ordinance be paid into such bank as the board from time to time may determine and shall be paid thereout by means of cheques signed by a member or members authorised by the board to sign cheques on its behalf, and countersigned by an officer of the board duly authorised thereto. Pending
investment
money to be
paid into
bank.

73. All moneys held in trust by a board, except patients' trust moneys held for safe-keeping shall, pending the application thereof in accordance with the terms of the trust, be invested at the discretion of the board either in the manner directed or authorised by the Temporary
investment
of trust
moneys.

Ord. No. 18
of 1928.

trust, or in default of any such direction in securities issued by the Union Government or by way of loan to any local authority in the Province, or, with the approval of the Administrator, on first mortgage of freehold land in the Union of South Africa, or shall otherwise be placed on fixed deposit at a bank.

Application
of trust
moneys.

74. When any money is received by a board by way of bequest or gift in trust for the purposes of any public hospital all such moneys shall, save as far as it is otherwise provided by the terms of the will or gift be applied in such manner as the board thinks fit, in or towards the permanent improvement of such hospital or the extension of the objects for which such hospital is established, or shall be invested by the board, and the income of such investments shall be appropriated and used for the purposes of such hospital.

Preservation
of existing
endowments

75. Every endowment or other fund collected for a special purpose, from whatever source received, which is possessed by a hospital committee at the commencement of this Ordinance, shall be retained by the board as an endowment or for such special purposes and shall not be treated as revenue within the meaning of section *sixty-four* of this Ordinance, provided, however, that these provisions shall not apply to the interest earned by any such fund, and provided further that nothing herein contained shall prevent the board from diverting, with the previous sanction of the Administrator, any moneys in such fund not specifically given or bequeathed as an endowment or for a special purpose, for any other purpose on which expenditure may be lawfully incurred by a board under this Ordinance.

Board to
furnish
Adminis-
trator with
its records—
Annual
report.

76. (1) The board shall furnish the Administrator with a certified copy of any record or minute of its proceedings, or of the proceedings of any committee appointed by the 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.

(2) Minutes of the proceedings of each meeting of the board or of a committee thereof shall be forwarded by the board to the Administrator within seven days from the date on which such minutes were confirmed.

(3) It shall be the duty of the board to distribute annually printed or typewritten copies of the board's annual report, audited accounts and balance sheets for the preceding year to every member of the board, contributor and newspaper circulating in the locality and, as far as may be, to members of the general public.

Ord. No. 18
of 1928.

CHAPTER V.

General.

77. The Administrator may for the purposes of this Ordinance from time to time by notice in the *Gazette* make such regulations as he may deem necessary or expedient provided that such regulations shall not be inconsistent with the provisions of this Ordinance.

Administrator may frame regulations.

78. Where by misadventure, accident or mistake, whether of law or fact, anything is at any time done after the time or is not done within the time required by this Ordinance, or is otherwise irregularly done in matter of form, the Administrator may, in writing under the hand of the Provincial Secretary, make provision for any such case, or may extend the time within which anything is required to be done, or may validate anything so done after the time required or so irregularly done in matter of form so that the true intent and purpose of this Ordinance may have effect, but no such action shall affect any judicial proceedings theretofore instituted or any judgment, decree or other decision thereupon made or given by any Court.

Administrator may rectify things irregularly done, etc.

79. (1) The board of every public hospital which was being supplied with articles of equipment from the central store established by the Administration before the commencement of this Ordinance shall continue to obtain on repayment any such equipment from such store.

Continuance of central equipment store.

(2) Every such board on giving twelve months' notice in writing of its intention so to do may at the expiration of such period make its own arrangements for the supply of such equipment.

Ord. No. 18
of 1928.

(3) The Administration may, on giving six months' notice to such boards of its intention so to do, cease to supply such equipment, and may at any time before or after the expiration of such period of six months issue such instructions to boards requiring articles of equipment still held in such store as will enable it to dispose of such articles as may still be serviceable to such boards.

Inspection of
hospitals.

80. (1) The Administrator may authorise an officer of the Union Health Department or any other officer to inspect on his behalf any public hospital and may also authorise any such officer to inspect on his behalf any hospital not being a public hospital towards the maintenance of which a grant-in-aid is paid out of the Provincial Revenue Fund, or moneys are collected from the general public.

(2) Such officer shall for the purposes of such inspection have access to any part of such hospital and to any books or other records kept by the board, or in the case of a hospital not being a public hospital by the managing body or committee thereof.

(3) A copy of any report furnished by such officer shall be forwarded to the board or the managing body or committee as the case may be.

Administra-
tor may
withhold
subsidy in
any year.

81. (1) If at any time it appears to the Administrator that a board has failed or refused to perform any duty imposed upon it by this Ordinance, or is improperly exercising its powers, or has unreasonably failed or refused to exercise any power conferred upon it by this Ordinance, or has done or intends to do any illegal act in the execution of its functions, it shall be lawful for the Administrator, after consultation with the council, to withhold any part of the moneys payable to the board from provincial funds under this Ordinance.

(2) When any money payable to a board has been so withheld, the board shall forfeit its right to receive that money until and unless the Administrator authorises the payment thereof.

Hours of
duty of
nurses.

82. Notwithstanding anything to the contrary contained in the Private Hospitals Ordinance 1919 and any amendment thereof the hours of duty prescribed for nurses in the

employ of boards under this Ordinance shall not exceed those prescribed for private hospitals, and the provisions of the said Ordinance relating to the employment of nurses and the keeping of registers shall *mutatis mutandis* apply to all public hospitals.

Ord. No. 18
of 1928.

83. The Hospital Nurses Relief Ordinance 1917 and the Hospital Committees Ordinance 1917 shall be and are hereby repealed. Repeal of laws.

84. This Ordinance may be cited for all purposes as the Public Hospitals Ordinance 1928. Short title.

First Schedule.

(Section *eight*.)

Hospital Committees constituted Boards under the provisions of this Ordinance:—

(a) *Provincial Hospitals*

Barberton Hospital Committee.
Boksburg Hospital Committee.
Germiston Hospital Committee.
Johannesburg Hospital Committee.
Klerksdorp Hospital Committee.
Krugersdorp Hospital Committee.
Pietersburg Hospital Committee.
Pretoria Hospital Committee.

(b) *Aided Hospitals.*

Duivelskloof Hospital Committee.
Ermelo Hospital Committee.
Far East Rand Hospital Committee.
Heidelberg Hospital Committee.
Lichtenburg Hospital Committee.
Lydenburg Hospital Committee.
Middelburg Hospital Committee.
Potchefstroom Hospital Committee.
Roodepoort Hospital Committee.
Rustenburg Hospital Committee.
Sabie Hospital Committee.
Schweizer Reneke Hospital Committee.
Standerton Hospital Committee.
Wolmaransstad Hospital Committee.

Second Schedule.

(Section *forty-eight*.)

Ward.....	No.....
.....Hospital	Date.....
	Time.....

Form of Admission.

To be filled in by or on behalf of a patient seeking admission except in cases of emergency or unless an undertaking is given to pay at the rate of not less than the general ward tariff.

**Ord. No. 18
of 1928.**

This is to be signed by the patient or by a person responsible for the patient, and it should be * countersigned by the patient's medical attendant, if any, or if the patient has no medical attendant, then by any person approved of by the Board.

This recommendation to be subject finally to the approval of the Officer in-charge before admission.

- | | |
|--|-----------|
| 1. Full Name | 1. |
| 2. Occupation | 2. |
| 3. Address | 3. |
| 4. Where born and age ? | 4. |
| 5. What is your religion ? | 5. |
| 6. How long have you been ill ? | 6. |
| 7. What medical man has attended you during present illness, and for how long ? | 7. |
| 8. Are you married or single ? | 8. |
| 9. If married, how many of a family have you, or who is dependent on you ? | 9. |
| 10. What is your salary or wages ? | 10. |
| 11. Have you any other means besides your salary or wages, and if so, how much ? | 11. |
| 12. Do you belong to any Benefit Society ? | 12. |
| 13. What can you afford to contribute towards your maintenance ? | 13. |
| 14. Give the names of friends to refer to. | |
| | (1) |
| | (2) |
| | (3) |

* To the Officer-in-charge

Signature of Applicant.

.....Hospital.

I know the Applicant and believe his statement to be correct and worthy of your consideration.

.....
Medical Attendant.

Admit above as a.....Patient.

.....
Officer-in Charge.

Third Schedule.

(Section seventy.)

Where the total expenditure of the board which has been brought to account as certified by the auditor for the financial year does not exceed—

- (a) £2,500, one per cent. of such expenditure—minimum £5;
- (b) £10,000, three-quarter per cent. of such expenditure—minimum £25;
- (c) £20,000, five-eighths per cent. of such expenditure—minimum £75;
- (d) Over £20,000, one-half per cent. of such expenditure—minimum £125.

AN ORDINANCE

To Amend the Shop Hours Ordinance, 1923.

Ord. No. 19
of 1928.

(Assented to 2nd August, 1928.)

(Date of operation, 3rd September, 1928.)*

(English copy signed by Governor-General.)

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

1. Section *three* of the Shop Hours Ordinance, 1923, as amended by Ordinances No. 10 of 1925, No. 8 of 1927, and No. 15 of 1927 (hereinafter referred to as the principal law), shall be and is hereby amended as follows:—

Amendment
of section 3
of principal
law.

- (1) By the deletion of paragraph (c) of sub-section (1) and by the substitution therefor of the following new paragraph:—

“(c) later than (in the case of butcher shops five o'clock) six o'clock in the evening of Monday, Tuesday, Thursday, and Friday”.

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

“(d) later than twelve o'clock noon on Wednesday, or six o'clock in the evening of Saturday; provided always:

- (i) that shops may be kept open on Wednesdays until six o'clock in the evening if they be closed not later than one o'clock in the afternoon on Saturdays, provided that the occupier shall have obtained the written permission of the Administrator and provided further that such permission shall be binding upon such occupier for a period of not less than six months from the date thereof and thereafter

* Proclamation No. 58, *Provincial Gazette* dated 8th August, 1928, page 159.

Ord. No. 19
of 1928.

Section 1.

until the Administrator shall have cancelled such permission;

- (ii) that all shops within an area defined by the Administrator (who is hereby authorized so to do) by Proclamation in the *Provincial Gazette* (hereinafter referred to as a defined area) may be open on Wednesdays until six o'clock in the evening and all shops situate within any defined area shall be closed at one o'clock in the afternoon on Saturdays, provided that privileged shops may be open until such later hours as are prescribed in section *four* of this Ordinance.

In relation to any shop to which such permission applies and in any defined area all the provisions of this Ordinance specially relating to the keeping open of shops or the employment of assistants on Wednesday and Saturday respectively shall be read as if the word "Saturday" appeared therein instead of the word "Wednesday" and *vice versa*.

- (iii) that the Administrator shall not exercise the power conferred upon him by sub-paragraph (ii) hereof until after the presentation to him of such petition as is hereinafter described;
- (iv) that every petition for the definition of an area under this paragraph shall—
- (a) be signed by a majority of persons carrying on business in such area who are holders of then current general dealers' licences issued by lawful authority and whose names are registered as voters in any municipal or parliamentary voters' roll then in force in the said area;

- (b) state the boundaries of such area which shall include not more than one municipality and any portion of the region within five miles of the boundary of such municipality which does not fall within another municipality”.
- (3) By the deletion in sub-section (2) of the figure and letters “ 1 p.m.” and by the substitution therefor of the figures and word “ 12 noon.”
- (4) By the insertion in sub-section (3) after the words “ butcher shop ” of the words “ who deals in Kosher meat and ”.

2. The schedule attached to paragraph (a) of section *four* of the principal law shall be and is hereby amended as follows:—

Amendment
of section 4
of principal
law.

- (1) (a) Under the heading “ Hours in respect of “ Restaurants ” by the deletion of the word “ Saturdays ” and by the substitution therefor of the word “ Wednesdays.”
- (b) Under the heading “ Hours outside normal hours ” in respect of “ Restaurants ” by the deletion of the figure and letters “ 1 p.m.” and by the substitution therefor of the figures and word “ 12 noon.”
- (2) Under the heading “ Goods ” in respect of “ Fruiterers and florists ” by the insertion after the word “ fruit ” of the following words in brackets “ (which shall not include dried or canned or preserved fruits and jams) ”.
- (3) Under the heading “ Days ” in respect of “ Dairies ” by the deletion of the word “ Saturdays ” and by the substitution therefor of the word “ Wednesdays ”.
- (4) (a) Under the heading “ Days ” in respect of “ Native and Asiatic eating houses, restaurants or tea-rooms and butcheries connected therewith provided for and used exclusively by persons other than white persons ” by the deletion of the

Ord. No. 19
of 1928.

word "Saturdays" and by the substitution therefor of the word "Wednesdays."

- (b) Under the heading "Hours outside normal hours" in respect of the same item mentioned in paragraph (a) hereof by the deletion of the figure and letters "1 p.m." and by the substitution therefor of the figures and word "12 noon."
- (5) (a) Under the heading "Days" in respect of "Native shops" by the deletion of the words "Wednesdays and Thursdays" and by the substitution therefor of the words "Thursdays Fridays and Saturdays" and by the deletion of the word "Fridays."
- (b) Under the heading "Hours outside normal hours" in respect of the same item mentioned in paragraph (a) hereof by the deletion of "7 p.m. to 7.30 p.m."
- (6) Under the heading "Days" in respect of "Chemists" by the deletion of the words "Wednesdays and Thursdays" and by the substitution therefor of the words "Thursdays and Fridays" and by the deletion of the word "Saturdays" and by the substitution therefor of the word "Wednesdays".

Amendment
of section 7
of principal
law.

3. Section *seven* of the principal law shall be and is hereby amended as follows:—

- (1) By the deletion from paragraph (b) of sub-section (1) of the word "Fridays" and by the substitution therefor of the word "Saturdays".
- (2) By the following alterations to sub-section (2):—
- (i) Delete the words "Wednesdays and Thursdays" from paragraph (b) and substitute therefor the words "Thursdays Fridays and Saturdays".
- (ii) Delete paragraph (c) and substitute therefor the following new paragraph:—
" (c) later than noon on Wednesdays ".
- (iii) Delete paragraph (d).

4. Sub-section (3) of section *nine* of the principal law shall be and is hereby amended by the insertion after the words "candy kitchen" of the words: "fruit shop, dairy, native shop".

Am
of section 9
of principal
law.

Ord. No. 19
of 1928.

5. The Shop Hours Amendment Ordinance 1927 and the Shop Hours Further Amendment Ordinance 1927 shall be and are hereby repealed.

Repeal.

6. This Ordinance may be cited for all purposes as the Shop Hours Amendment Ordinance 1928 and shall be read as one with the principal law and any amendment thereof and shall come into operation on such date as the Administrator shall declare by proclamation in the *Provincial Gazette*.

Short title.

AN ORDINANCE

Further to Amend the Local Government Ordinance,
1926.

Ord. No. 20
of 1928.

(Assented to 2nd August, 1928.)

(Date of operation, 8th August, 1928.)

(English copy signed by Governor-General.)

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

1. Section *fifty-eight* of the Local Government Ordinance, 1926 (hereinafter referred to as the principal law), shall be and is hereby amended by the addition to sub-section (4) thereof of the following words:—

Amendment
of section 58
of principal
law.

"by means of the agenda in which the said documents shall be embodied verbatim and to furnish within fourteen days after such meeting has been held a copy of such agenda to the editors of two or more newspapers—one of which shall be a daily newspaper—circulating within the municipality".

2. This Ordinance may be cited for all purposes as the Local Government Further Amendment Ordinance, 1928, and shall be read as one with the principal law and any amendment thereof.

Short title.

Ord. No. 21
of 1928.

AN ORDINANCE

To apply a further sum of money towards the service of the Province of Transvaal during the year ended on the 31st day of March, 1927, to defray certain unauthorized expenditure.

(Assented to 2nd August, 1928.)

(Date of operation, 8th August, 1928.)

(English copy signed by Governor-General.)

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

Provincial
Revenue
Fund charged
with £11,104.
6s. 4d.

1. The Provincial Revenue Fund is hereby charged with the sum of eleven thousand one hundred and four pounds six shillings and four pence to meet certain expenditure over and above the amounts appropriated for the service of the Province for the year ended on the 31st day of March, 1927. Such expenditure is set forth in the schedule to this Ordinance and will be found more particularly specified on page 21 of the Report of the Provincial Auditor of Accounts for the year 1926-1927 and in the Report of the Select Committee on Public Accounts No. T.P.S.C. 2 of 1928.

Short title.

2. This Ordinance may be cited for all purposes as the Unauthorized Expenditure (1926-1927) Ordinance, 1928.

Schedule.

No. of Vote.	Service.	Column 1.	Column 2.
1	For expenses in respect of General Administration	459 8 0	—
3	For expenses in respect of Hospitals and Charitable Institutions.. Including the undermentioned service :—	365 19 0	—
	Grant to June Furze Hospital	—	68 5 0
6	For expenses in respect of Interest and Redemption	2,803 17 6	—
7	For expenses in respect of Capital Expenditure	7,675 1 9	—
	In respect of the undermentioned services :—		
	Unemployed	—	24 19 7
	Special grant from Union Government for Road construction		7,650 2 2

Ord. No. 21
van 1928.

Skedule.

No. van Pos.	Diens.	Kolom 1.	Kolom 2.
1	Vir onkoste ten opsigte van algemene Administrasie.....	459 8 0	—
3	Vir onkoste ten opsigte van Hospitale en Liefdadigheidsinstellings Insluitende die ondervermelde diens :— Toelaag aan Jane Furze Hospitaal.....	365 19 0	—
6	Vir onkoste ten opsigte van Rente en Aflossing.....	—	68 5 0
7	Vir onkoste ten opsigte van Kapitaal-uitgawe.....	2,603 17 6	—
	Ten opsigte van die ondervermelde dienste :— Werkelose	7,675 1 9	—
	Spesiale toekenning van Unie Regering vir Weg-konstruksie	—	24 19
		—	7,650 2 2

bedoelde agenda te stuur aan die editoors van twee of meer koerante, waarvan een 'n daelikse koerant moet wees, wat binne die munisipaliteit sirkuleer.'"

Ord. No. 20
van 1928.

2. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Plaaslike Bestuur Verdere Wysigingsordonnansie, 1928, en sal as een geheel beskou word met die hoofwet en enige wysiging daarvan. Korte tittel.

'N ORDONNANSIE

Ord. No. 21
van 1928.

Tot aanwending van 'n verdere som geld vir die dienste van die Provinsie Transvaal gedurende die jaar wat geëindig is op die 31ste dag van Maart 1927, tot dekking van sekere nie-gemagtigde uitgawe.

(Goedgekeur 2 Augustus 1928.)

(Datum van inwerkingtree, 8 Augustus 1928.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

SY DIT BEPAAL deur die Prowinsiale Raad van Transvaal as volg:—

1. Die Prowinsiale Inkomstefonds word hierby belas met die som van elf duisend eenhonderd en vier pond ses sielings en vier pennies tot dekking van sekere uitgawe bo die bedrae toegeëien vir die diens van die Provinsie vir die jaar geëindig op die 31ste dag van Maart 1927. Sulke uitgawe is uiteengesit in die skedule tot hierdie Ordonnansie en is in besonderhede omskrewre op bladsy 21 van die Rapport van die Prowinsiale Ouditeur van Rekenings vir die jaar 1926-27 en in die Rapport van die Gekose Komitee op Publieke Rekeninge, No. T.P.G.K. 2 van 1928. Prowinsiale
Inkomste
belas met
£11,104. 6s.
4d.

2. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Nie-gemagtigde Uitgawe (1926-27) Ordonnansie 1928. Korte tittel.

Ord. No. 19
van 1928.

(ii) skrap paragraaf (c) en vervang dit deur die volgende nuwe paragraaf:—

“(c) later as 12 middag op Woensdae.”

(iii) skrap paragraaf (d).

Wysiging van
artikel 9 van
die hoofwet.

4. Subartikel (3) van artikel *nege* van die hoofwet word en is hiermee gewysig deur agter die woord “kandywinkel” in te voeg die woorde: “vrugte Winkel, melkery, naturelle Winkel”.

Herroeping.

5. Die Winkelure Wysigingsordonnansie 1927 en die Winkelure Verdere Wysigingsordonnansie 1927 word en is hiermee herroep.

Korte tiétel.

6. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Winkelure Wysigingsordonnansie 1928 en maak een geheel uit met die hoofwet en enige wysiging daarvan en tree in werking op 'n datum wat die Administrateur sal vasstel deur Proklamasie in die *Prowinsiale Koerant*.

Ord. No. 20
van 1928.

'N ORDONNANSIE

Tot Verdere Wysiging van die Plaaslike Bestuur Ordonnansie,
1926.

(Goedgekeur 2 Augustus 1928.)

(Datum van inwerkingtree, 8 Augustus 1928.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

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

Wysiging van
artikel 58
van die
hoofwet.

1. Artikel *ag-en-vyftig* van die Plaaslike Bestuur Ordonnansie, 1926 (hieronder die hoofwet genoem), word en is hiermee gewysig deur die toevoeging aan subartikel (4) daarvan van die volgende woorde:—

“deur middel van die agenda waarin bedoelde dokumente word vir woord opgeneem word en om binne veertien dae na sodanige vergadering 'n kopie van

te voeg "(waaronder nie begrepe is gedroogde, ingemaakte of ingelegde vrugte en konfyt nie)".

Ord. No. 19
van 1928.

- (3) Onder die hoof "Dae" met betrekking tot "melkerye" deur die woord "Saterdag" te skrap en te vervang deur die woord "Woensdae".
- (4) (a) Onder die hoof "Dae" met betrekking tot "Naturelle en Asiate eethuise, restourasies of teekamers en slagterye wat daaraan verbonde is, bestem vir en uitsluitend gebruik deur persone uitgenome blanke persone" deur die woord "Saterdag" te skrap en dit te vervang deur die woord "Woensdae".
- (b) Onder die hoof "Ure buite Normale Ure" met betrekking tot dieselfde ietem genoem in paragraaf (a) hiervan, deur die syfer en letters "1 n.m." te skrap en dié te vervang deur die syfers en woord 12 middag.
- (5) (a) Onder die hoof "Dae" met betrekking tot "Naturellewinkels" deur die woorde "Woensdae en Donderdae" te skrap en dié te vervang deur die woorde "Donderdae Vrydae en Saterdag."
- (b) Onder die hoof "Ure buite normale ure" ten opsigte van dieselfde ietem genoem in paragraaf (a) hiervan deur skraping van "7 n.m. tot 7.30 n.m."
- (6) Onder die hoof "Dae" met betrekking tot "Aptekers," deur die woorde "Woensdae en Donderdae" te skrap en dié te vervang deur die woorde "Donderdae en Vrydae," en deur die woord "Saterdag" te skrap en dit te vervang deur die woord "Woensdae".

3. Artikel *sewe* van die hoofwet word en is hiermee gewysig as volg:—

Wysiging van
artikel 7 van
die hoofwet.

- (1) Deur in paragraaf (b) van subartikel (1) te skrap die woord "Vrydae" en dit te vervang deur die woord "Saterdag".
- (2) Deur die volgende veranderinge in subartikel (2)—
- (i) skrap die woorde "Woensdae en Donderdae" in paragraaf (b) en vervang dié deur die woorde "Donderdae Vrydae en Saterdag";

Ord. No. 19
van 1928.

(iv) dat elke petiesie vir die om-
skrywing van 'n gebied oor-
eenkomstig hierdie paragraaf
moet—

(a) geteken word deur 'n meer-
derheid van persone wat
besigheid dryf in bedoelde
gebied en besitters is van
'n algemene handelaars-
lisensie wat dan geldig is
en op wettige gesag uit-
gereik is, en van wie die
name geregistreer is as
kiesers op enige kieserslys
vir munisipale of volks-
raadverkiesings wat dan
in bedoelde gebied van
krag is;

(b) die grense vermeld van be-
doelde gebied wat nie
meer as een munisipaliteit
sal insluit nie en enige
gedeelte van die streek
binne vyf myl van die
grens van bedoelde muni-
sipaliteit wat nie binne 'n
ander munisipaliteit val
nie."

(3) Deur in subartikel (2) die woorde en
letters "een uur n.m." te skrap en die
te vervang deur die syfers en woord
"12 middag."

(4) Deur die invoeging in subartikel (3) na
die woord "slagterswinkel" van die
woorde "wat handeldryf in Kosher
vleis en".

Wysiging van
artikel 4 van
die hoofwet.

2. Die skedule onderaan paragraaf (a) van
artikel vier van die hoofwet word en is hier-
mee gewysig as volg:—

(1) (a) Onder die hoof "Dae" met betrek-
king tot "restourante," deur die woord
"Saterdag" te skrap en dit te vervang
deur die woord "Woensdae".

(b) Onder die hoof "Ure buite Normale
Ure" met betrekking tot "Restou-
rants" deur die syfer en letters "1
n.m." te skrap en dié te vervang deur
die syfers en woord 12 middag.

(2) Onder die hoof "Goedere" met betrek-
king tot "Vrugteverkopers en Bloem-
miste" deur agter die woord "vrugte"
die volgende woorde tussen hakies in

Ord. No. 19
van 1928.

Art. 1.

- in die aand, indien hulle op Saterdag nie later as half-een uur in die namiddag gesluit word nie; met dien verstande dat die houer die skriftelike vergunning van die Administrateur verkry het en verder met dien verstande dat sodanige vergunning vir sodanige houer bindend sal wees vir 'n tydperk van nie minder as ses maande vanaf die datum daarvan, en daarna totdat die Administrateur bedoelde vergunning sal ingetrek het;
- (ii) dat alle winkels binne 'n gebied omskrywe deur die Administrateur (wat hierby gemagtig word om dit te doen) deur Proklamasie in die *Prowinsiale Koerant* (hieronder 'n omskrewe gebied genoem) op Woensdae oop mag wees tot ses uur in die aand, en alle winkels geleë binne enige omskrewe gebied moet op Saterdag gesluit word om een uur in die namiddag, met dien verstande dat bevoorregte winkels oop mag wees tot sodanige later ure as voorgeskryf word in artikel vier van hierdie Ordonnansie.
- Met betrekking tot enige winkel waarop sodanige vergunning van toepassing is en in enige omskrewe gebied, sal al die bepalings van hierdie Ordonnansie, wat spesiaal betrekking het op die oophou van winkels of die in diens hê van bediendes respektieflik op Woensdag en Saterdag, gelees word asof die woord "Saterdag" daarin voorgekom het in plaas van die woord "Woensdag", en omgekeerd.
- (iii) dat die Administrateur die bevoegdheid aan hom verleen deur subparagraaf (ii) hiervan eers sal uitoefen na die aanbieding aan hom van sodanige petisie as hieronder omskrywe word;

Ord. No. 18
van 1928.

DERDE SKEDULE.
(Artiëkel *sewentig*.)

Waar die totale uitgawes van die bestuur wat in rekening gebring is soos gesertifiseer deur die Ouditeur vir die finansiële jaar nie meer bedra as—

- (a) £2,500, een persent van sodanige uitgawes—mienimum £5.
- (b) £10,000, drie-vierde persent van sodanige uitgawes—mienimum £25.
- (c) £20,000, vyf-agste persent van sodanige uitgawes—mienimum £75.
- (d) Meer as £20,000, 'n half persent van sodanige uitgawes—mienimum £125.

Ord. No. 19
van 1928.

'N ORDONNANSIE

Tot Wysiging van die Winkelure Ordonnansie, 1923.

(Goedgekeur 2 Augustus 1928.)

(Datum van inwerkingtree, 3 September 1928.)*

(Engelse kopie deur Goewerneur-Generaal geteken.)

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

Wysiging van artiëkel 3 van die hoofwet.

1. Artiëkel *drie* van die Winkelure-Ordonnansie 1923, soos gewysig deur Ordonnansies No. 10 van 1925, No. 8 van 1927 en No. 15 van 1927 (hieronder die hoofwet genoem) word en is hiermee gewysig as volg:—

- (1) Deur paragraaf (c) van subartiëkel (1) te skrap en dit te vervang deur die volgende nuwe paragraaf:—

“(c) later as ses uur (in die geval van slagterswinkels vyf uur) in die aand van Maandag, Dinsdag, Donderdag en Vrydag.”

- (2) Deur paragraaf (d) van subartiëkel (1) te skrap en dit te vervang deur die volgende nuwe paragraaf:—

“(d) later as twaalf uur middag op Woensdag, of ses uur in die aand op Saterdag, en steeds met dien verstande:

- (i) dat winkels op Woensdag mag oopgehou word tot ses uur

* Proklamasie No. 58, *Prowinsiale Koerant* gedateer 8 Augustus 1928, bl. 159.

TWEDE BYLAE.

(Artikkel *ag-en-veertig*.)

Ord. No. 18
van 1928.

Saal.....

.....Hospitaal

No.....

Datum.....

Tyd.....

Vorm van Toelating.

Hierdie vorm moet ingevul word deur, òf namens, 'n pasjent wat wens om toegelaat te word, uitgenome in dringende gevalle of tensy 'n verpligting word aangegaan om te betaal teen die tarief van nie minder as die tarief vir opname in 'n algemene siekesaal nie.

Die vorm moet geteken word deur die pasjent of deur iemand wat vir die pasjent verantwoordelik is, en moet * mede-onderteken word deur die dokter van die pasjent, of as die pasjent geen dokter het nie, deur iemand wat deur die bestuur goedgekeur word.

Hierdie aanbeveling is finaal onderworpe aan die goedkeuring van die verantwoordelike beamppte voor die pasjent toegelaat word.

- | | |
|---|-----------|
| 1. Volle naam | 1. |
| 2. Beroep | 2. |
| 3. Adres | 3. |
| 4. Waar gebore en ouderdom | 4. |
| 5. Wat is u godsdiens? | 5. |
| 6. Hoelank is u siek? | 6. |
| 7. Watter dokter het u behandel tydens hierdie siekte, en vir hoe lank? | 7. |
| 8. Is u gehuud of ongehuid? | 8. |
| 9. Indien gehuud, hoe groot is u gesin, of wie is van u afhanklik? | 9. |
| 10. Wat bedra u salaris of loon? | 10. |
| 11. Besit u enige ander middele behalwe u salaris of loon, en so ja, hoeveel? | 11. |
| 12. Behoort u tot enige Weldadigheidsvereniging? | 12. |
| 13. Hoeveel kan u bydra tot u onderhoud? | 13. |
| 14. Gee die name van vriende waarna verwys kan word.— | |
| | (1) |
| | (2) |
| | (3) |

Handtekening van applikant.

*Aan die verantwoordelike Beamppte.

.....Hospitaal

Ek ken die applikant en glo dat sy verklaring juis en u ooreweging waardig is.

.....
Medikus.

Laat bogenoemde toe as 'n.....pasjent.

.....
Verantwoordelike Beamppte

Ord. No. 18
van 1928.

kragtens hierdie Ordonnansie uit Prowinsiale fondse aan die bestuur betaalbaar is, agter te hou.

(2) Wanneer enige geld betaalbaar aan 'n bestuur aldus agtergehou is, verbeur die bestuur sy reg om daardie geld te ontvang totdat en tensy die Administrateur die betaling daarvan magtig.

Diensure
van ver-
pleegsters.

82. Ongeag enige andersluidende bepaling in die Private Hospitale Ordonnansie, 1919, en enige wysiging daarvan, is die diensure voorgeskryf vir verpleegsters in diens van besture kragtens hierdie Ordonnansie hoogstens dié voorgeskryf vir private hospitale, en die bepalings van genoemde Ordonnansie met betrekking tot die indiensneming van verpleegsters en die aanhouding van register is *mutatis mutandis* van toepassing op alle publieke hospitale.

Herroeping
van wette.

83. Die Hospitaalverpleegsters Verlichtings Ordonnantie 1917 en die Hospitaalkomitees Ordonnantie 1917 word en is hiermee herroep.

Korte
tietel.

84. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Publieke Hospitale Ordonnansie, 1928.

SKEDULES.

EERSTE BYLAE.
(Artikkel *ag.*)

Hospitaalkomitees ingestel as besture kragtens die bepalings van hierdie Ordonnansie:—

- (a) *Prowinsiale Hospitale.*
 Barberton Hospitaalkomitee.
 Boksburg Hospitaalkomitee.
 Germiston Hospitaalkomitee.
 Johannesburg Hospitaalkomitee.
 Klerksdorp Hospitaalkomitee.
 Krugersdorp Hospitaalkomitee.
 Pietersburg Hospitaalkomitee.
 Pretoria Hospitaalkomitee.
- (b) *Ondersteunde Hospitale.*
 Duivelskloof Hospitaalkomitee.
 Ermelo Hospitaalkomitee.
 Ver Oos-Rand Hospitaalkomitee.
 Heidelberg Hospitaalkomitee.
 Lichtenburg Hospitaalkomitee.
 Lydenburg Hospitaalkomitee.
 Middelburg Hospitaalkomitee.
 Potchefstroom Hospitaalkomitee.
 Roodepoort Hospitaalkomitee.
 Rustenburg Hospitaalkomitee.
 Sabie Hospitaalkomitee.
 Schweizer Reneke Hospitaalkomitee.
 Standerton Hospitaalkomitee.
 Wolmaransstad Hospitaalkomitee.

Ord. No. 18
van 1928.

(2) Elke sodanige bestuur kan, met twaalf maande skriftelike kennisgewing van sy voorneme om dit te doen, na die verstryking van sodanige tydperk sy eie reëlings tref vir die verskaffing van sulke uitrusting.

(3) Die Administrasie kan, na ses maande kennisgewing, aan sodanige besture van sy voorneme om dit te doen, die lewering van sulke uitrusting staak en kan op enige tyd voor of na die verstryking van bedoelde tydperk van ses maande, sodanige instruksies uitvaardig aan besture wat uitrustingsartikels verlang wat nog in bedoelde magasyn voorradig is, as hom in staat sal stel om sodanige artikels van die hand te sit as wat nog diensdig is vir bedoelde besture.

80. (1) Die Administrateur kan 'n amptenaar van die Unie-Departement van Volksge-sondheid, of enige ander amptenaar, magtig om enige publieke hospitaal namens hom te inspekteer en kan ook enige sodanige amptenaar magtig om namens hom enige hospitaal wat nie 'n publieke hospitaal is nie, en vir die onderhoud waarvan 'n subsidie betaal word uit die Prowinsiale Inkomstefonds, of gelde ingesamel word van die algemene publiek, te inspekteer.

Inspeksie
van
hospitale.

(2) Bedoelde amptenaar het vir die doeleindes van sodanige inspeksie toegang tot enige deel van bedoelde hospitaal en tot enige boeke of ander verslae wat deur die bestuur aangehou word, of in die geval van 'n hospitaal wat nie 'n publieke hospitaal is nie, deur die beherende liggaam of komitee daarvan.

(3) 'n Kopie van enige rapport deur bedoelde amptenaar verskaf, sal gestuur word aan die bestuur of beherende liggaam of komitee, al na die geval is.

81. (1) As dit die Administrateur op enige tyd blyk dat 'n bestuur versuim of geweier het om enige werksaamhede te verrig wat deur hierdie Ordonnansie aan hom opgelê is, of sy bevoegdheids onbehoorlik uitoefen, of onredelik versuim of geweier het om enige bevoegdheid deur hierdie Ordonnansie aan hom verleen, uit te oefen of enige onwettige handeling in die uitoefening van sy funksies verrig het of voornemens is te verrig, sal die Administrateur geregtig wees om, na oorleg met die adviserende raad, enige deel van die gelde wat

Admini-
strateur kan
subsidie
in enige
jaar
agterhou.

Ord. No. 18
van 1928.

rapporte, statistieke en dokumente as die Administrateur van tyd tot tyd mag vereis.

(2) Notule van die verrigtings van elke vergadering van die bestuur of van 'n komitee daarvan, sal deur die bestuur aan die Administrateur gestuur word binne sewe dae na die datum waarop bedoelde notule goedgekeur is.

(3) Dit sal die plig van die bestuur wees om jaarliks gedrukte of getikte kopieë van die bestuur se jaarverslag, geouditeerde rekeninge en balansstate oor die afgelopen jaar te stuur aan elke lid van die bestuur, hydraer en koe-rant wat in die lokaliteit sirkuleer, en vir sover moontlik aan lede van die publiek in die algemeen.

HOOFSTUK V.

Algemeen.

Admini-
strateur kan
regulasies
maak.

77. Die Administrateur kan van tyd tot tyd vir die doeleindes van hierdie Ordonnansie deur kennisgewing in die *Offisiële Koerant* sodanige regulasies maak, as wat hy nodig of dienstig ag, mits bedoelde regulasies nie in stryd is met die bepalings van hierdie Ordonnansie nie.

Admini-
strateur kan
dinge wat
onreëlmstig
gedoen is
herstel.

78. Waar deur toeval, ongeluk of vergissing, hetsy van wet of feit, enigiets op enige tyd gedoen is na die tyd, of nie gedoen is binne die tyd, deur hierdie Ordonnansie voorgeskryf nie, of op ander wyse onreëlmstig gedoen is ten opsigte van vorm, kan die Administrateur, skriftelik en onderteken deur die Prowinsiale Sekretaris, vir enige sodanige gevalle voorsiening maak, of kan die tyd verleng waarbinne enigiets moet gedaan word, of kan hy enigiets aldus gedoen na die voorgeskrewe tyd of aldus so onreëlmstig ten opsigte van vorm gedoen, bekragtig sodat aan die ware strekking en doel van hierdie Ordonnansie beantwoord word, maar geen sodanige behandeling sal van invloed wees op enige regsvoordering daarvoor ingestel of op enige vonnis, besluit of andere beslissing daaromtrent gevel, of geneem deur enige Hof nie.

Instand-
houding van
sentrale
uitrusting-
magasyn.

79. (1) Die bestuur van elke publieke hospitaal wat voorsien was van artikels van uitrusting uit die sentrale magasyn gestig deur die Administrasie voor die aanvang van hierdie Ordonnansie, sal voortgaan om sodanige uitrusting uit bedoelde magasyn teen betaling te verkry.

73. Alle gelde deur 'n bestuur in trust gehou, uitgenome gelde in bewaring gehou vir pasjente vir veilige opberging, sal, in afwagting van die aanwending daarvan ooreenkomstig die bepalinge van die trust, na goedvinde van die bestuur belê word, hetsy op die wyse deur die trust voorgeskryf of gemagtig, of by gebreke van enige sodanige voorskrif, in sekuriteite, uitgegee deur die Unie-Regering, of by wyse van lening aan enige munisipaliteit in die Provinsie of, met goedkeuring van die Administrateur, op eerste verband op grond en eiendom in Suid-Afrika, of sal anders op vaste deposito by 'n bank belê word.

Tydlike belegging van gelde in bewaring.

**Ord. No. 18
van 1928.**

74. Wanneer 'n bestuur by wyse van legaat of gif vir die doel van enige publieke hospitaal enige gelde in trust ontvang, sal al sodanige gelde, uitgenome waar dit anders bepaal is deur die terme van die testament of skenking, op sodanige wyse aangewend word as die bestuur dienstig ag, aan, of vir die permanente verbetering van, sodanige hospitaal of die uitbreiding van die doeleindes waarvoor bedoelde hospitaal gestig is, of sal deur die bestuur belê word, en die inkomste van bedoelde beleggings sal toegeëien en gebruik word vir die doeleindes van bedoelde hospitaal.

Aanwending van trust-gelde.

75. Elke skenking of ander fonds versamel vir 'n spesiale doel, uit watter bron ook ontvang, wat 'n hospitaalkomitee besit by die aanvang van hierdie Ordonnansie sal deur die bestuur behou word as 'n skenking of vir sodanige spesiale doeleindes, en sal nie aangemerkt word as inkomste binne die betekenis van artikel *vier-en-sestig* van hierdie Ordonnansie nie, met dien verstande egter dat hierdie bepalinge nie van toepassing is op die rente deur enige sodanige fonds verdien nie, en verder met dien verstande, dat geen andersluidende bepaling hiervan die bestuur belet om, met die voorafgaande magtiging van die Administrateur, enige gelde in sodanige fonds, nie spesiaal gegee of nagelaat as 'n skenking of vir 'n spesiale doel nie, te bestem of te gebruik vir enige ander doel waarvoor 'n bestuur kragtens hierdie Ordonnansie wettiglik koste mag maak.

Bewaring van bestaande skenkings.

76. (1) Die bestuur sal die Administrateur voorsien van 'n gesertifiseerde kopie van enige verslag of notule van sy verrigtings, of van die verrigtinge van enige komitee benoem deur die bestuur of van 'n verslag van enige geldelike verantwoording van die bestuur of sodanige

Bestuur die Administrateur te voorsien van sy stukke—jaarlikse rapporte.

**Ord. No. 18
van 1928.**

sal daarvan kennis gee deur advertensie in die pers minstens sewe dae voor die datum van die vergadering van die bestuur belê met die doel om 'n ouditeur of ouditeurs te benoem.

(7) Die ouditeur of ouditeurs benoem soos bepaal in subartikkel (5) hiervan, sal al die bevoegdhede besit genoem in artikel *negen-en-vyftig* van die Plaaslike Bestuur Ordonnansie 1926 en *mutatis mutandis* toegepas vir die doeleindes van 'n audit deur die ouditeur benoem deur die Administrateur en sal buite en behalwe die gewone werksaamhede van ouditeurs, minstens eenmaal in elke finansiële jaar sertifiseer of al dan nie

- (a) die rekeninge van die bestuur in orde is
- (b) die rekeninge en balansstaat behoorlik opgemaak is om 'n ware en korrekte oorsig te gee van die sake van die publieke hospitaal soos blyk uit die boeke van daardie hospitaal;
- (c) die finansiële bepalings van die wet en regulasies betreffende publieke hospitale nagekom is;
- (d) al sy vereistes en aanbevelings (as ouditeur) nagekom en uitgevoer is.

Kollektante
van geld.

71. (1) 'n Bestuur kan sodanige persone as wat hy geskik ag, aanstel met die doel om vrywillige bydraes en skenkings vir al die doeleindes binne die bevoegdhede van die bestuur, in te samel.

(2) Die bestuur sal behoorlike aantekeninge van kollektante hou en kolleksies en alle gelde aldus gekollekteer sal aangewend word tot die doeleindes waarvoor hulle gekollekteer is.

(3) Die bepalings van die Liefdadige Instellings (Kontrole) Ordonnansie No. 5 van 1926 is nie van toepassing op enige publieke hospitaal nie.

In afwagting
van belegging
moet geld
op bank
gestort word.

72. Al die gelde wat aan 'n bestuur toebehoor, sal, in afwagting van belegging of uitgifte ooreenkomstig hierdie Ordonnansie, op sodanige bank gedeponeer word as die bestuur van tyd tot tyd bepaal en word daaruit betaal deur middel van tjeks geteken deur 'n lid of lede wat deur die bestuur gemagtig is om namens hom tjeks te teken, en mede-onderteken deur 'n beamppte van die bestuur wat daartoe behoorlik gemagtig is.

ouditeurs benoem, onderworpe aan die nakoming van die volgende bepalings en onderworpe aan die bepalings van paragraaf (b) van subartikkel (6) hiervan:—

- (a) enige lid van die bestuur kan, voor 'n datum wat die bestuur sal vasstel, een of meer behoorlik gekwalifiseerde persone benoem om op te tree as ouditeur of ouditeurs van die rekening van die raad.
- (b) elke nominasie sal verwys word na 'n komitee bestaande uit minstens drie lede van die bestuur wat sodanige aanbevelings by die bestuur sal maak as hulle mag goeddink, en die bestuur sal, nie minder as veertien dae na die aldus vasgestelde datum nie, daartoe oorgaan om deur stemming een of meer persone uit die genomineerde persone te kies, of, as daar geen nominasies is nie, een of meer behoorlik gekwalifiseerde ouditeurs.

Die verkiesing van bedoelde ouditeur of ouditeurs is vir 'n tydperk van drie jaar, en die bestuur sal op die tyd van sy, of hulle, verkiesing, die remunerasie vasstel wat aan hom of hulle betaal sal word en bedoelde bedrag sal nie verander word gedurende sy of hulle ampstyd nie. Die ouditeur of ouditeurs wat aldus benoem is sal nie uit hulle amp verwyder word voor die verstryking van sy of hulle ampstyd, soos voormeld, sonder toestemming van die Administrateur nie.

(6) (a) Die ouditeur of ouditeurs benoem deur 'n hospitaal-bestuur voor die aanvang van hierdie Ordonnansie bly in funksie tot die datum van die jaarlikse algemene vergadering genoem in subartikkel (1) van artikel *dertien* van hierdie Ordonnansie.

(b) Waar enige bestuur by genome besluit, soos bepaal in subartikkel (5) hiervan, ooreengekom het om 'n ouditeur of ouditeurs te benoem, sal iemand, uitgenome 'n aftredende ouditeur, wat nie 'n ouditeur is wat deur die Administrateur benoem is nie, nie as ouditeur benoem kan word in terme hiervan nie, tensy kennisgewing van die voorneme om bedoelde persoon as ouditeur te benoem gegee is deur 'n lid van die bestuur, nie minder as veertien dae voor die verstryking van die tydperk van ampstyd van die aftredende ouditeur nie, en die bestuur sal 'n kopie van enige sodanige kennisgewing aan die aftredende ouditeur stuur en

Ord. No. 18
van 1928.

—
Art. 70.

Ord. No. 18
van 1928.

—
Art. 70.

te toon en voor te lê aan die persoon of persone wat aldus benoem is, alle boeke en rekeninge van die publieke hospitaal met die kwitansies tot staving daarvan en alle boeke, stukke en geskifte, in hulle vermoë, wat daarop betrekking het.

(2) Waar geen persoon of persone, uitgenome dié benoem kragtens die bepalings van subartikel (1) hiervan, benoem is as ouditeurs van die rekeninge van die bestuur kragtens die bepalings van subartikel (5) hiervan, nie, sal die bestuur binne drie maande nadat die ouditeur benoem kragtens hierdie artikel, die rekeninge van die bestuur sertifiseer, vir enige finansiële jaar, sodanige som aan die Administrateur betaal as hy in elke geval mag vasstel as die ouditkoste van bedoelde rekeninge, met dien verstande dat die bedrag wat aldus vasgestel word in geen geval meer sal bedra as 'n bedrag bereken in terme van die derde skedule by hierdie Ordonnansie of die minimum bedrag daarin vasgestel as van toepassing op die geval van sodanige oudit nie.

(3) Waar kragtens hierdie artikel die bestuur enige koste moet betaal aan die Administrasie is dit die plig van die ouditeur om minstens eenmaal in elke finansiële jaar te sertifiseer of al dan nie

- (a) die rekeninge van die bestuur in orde is;
- (b) die rekeninge en balansstaat behoorlik opgemaak is om 'n ware en korrekte oorsig van die sake van die publieke hospitaal te gee, soos blyk uit die boeke van daardie hospitaal;
- (c) die finansiële bepalings van die wet en regulasies betreffende publieke hospitale nagekom is;
- (d) al sy vereistes en aanbevelings (as ouditeur) nagekom en uitgevoer is.

(4) Vir die doeleinde van enige kontrole kragtens subartikels (1) tot (3) van hierdie artikel, is die bepalings van artikels *negen-en-vyftig* en *sestig* van die Plaaslike Bestuur Ordonnansie, 1925, *mutatis mutandis* van toepassing.

(5) Buite en behalwe die ouditeur of ouditeurs benoem deur die Administrateur, kan die bestuur, nadat behoorlik 'n besluit geneem is deur 'n meerderheid van twee derdes van die lede van bedoelde bestuur waarby ooreengekom word om 'n ouditeur te benoem, 'n ouditeur of

op sodanige voorwaardes as hy voorskryf op die pond vir pond basis, met dien verstande egter dat geen sodanige bydrae sal verleen word op enige gelde wat die bestuur by wyse van subsidie ontvang het of ten opsigte waarvan alreeds subsidie betaal is kragtens hierdie Ordonnansie nie.

Ord. No. 18
van 1928.

68. Ongeag enige andersluidende bepaling in hierdie Ordonnansie word die Administrasie nie onthef van enige aanspreeklikheid ten opsigte van enige belofte gegee aan 'n hospitaalkomitee deur die Administrateur voor die aanvang van hierdie Ordonnansie om kapitaal-fondse te verskaf vir die bou en uitrusting van enige nuwe hospitaal of om kapitaalfondse of 'n subsidie te verskaf vir die uitbreiding van 'n bestaande hospitaal nie.

Prowinsiale Administrasie moet nie onthef word van sekere kapitaal-uitgawes nie.

69. (1) Enige fooie in rekening gebring kragtens die bepalings van hierdie Ordonnansie sal 'n skuld wees aan die bestuur en kan deur bedoelde bestuur ingevorder word deur regs-vordering in enige hof van bevoegde regsmag.

Involvordering van fooie.

(2) Die koste vir die hulp verleen deur, of vir rekening van 'n bestuur aan 'n gehude vrou of 'n minderjarige, vorm, sonder uitsluiting van die aanspreeklikheid volgens die gewoontereg van die persoon wat aldus hulp ontvang het, 'n skuld aan die bestuur deur die eggenoot van die gehude vrou, of die vader, moeder of voog van die minderjarige, al na die geval mag wees en kan ingevorder word deur regs-vordering in enige hof van bevoegde regsmag.

(3) Die koste wat ingevorder kan word is ewentueel die som ooreengekom tussen die bestuur en die persoon wat aldus aanspreeklik is, en is by afwesigheid van enige sodanige ooreenkoms, sodanige som as die hof waarin enige regs-vordering vir die involucering daarvan ingestel is, redelik ag, met inagneming van die middele van die verweerder en die omstandighede van die geval.

70. (1) Onderworpe aan die bepalings van paragraaf (a) van subartikkel (6) hiervan, sal die Administrateur een of meer persone benoem wat amptenare in die Staatsdiens is, om van tyd tot tyd die rekeninge en verslae van die bestuur na te sien en die bestuur sal aan die superintendent of andere beampte deur die raad gemagtig, opdra om

Kontrole.

Ord. No. 18
van 1928.

(3) As, na oorweging van die rapport van die bestuur in terme van die vorige subartikel, die Administrateur bedoelde begroting buitensporig ag, sal hy die bestuur daarmee in kennis stel, en as die bestuur hierop ooreenkomstig sy beslissing geen gewysigde begroting maak nie, kan hy die bestuur in kennis stel met die vorm waarin hy bereid is om bedoelde begroting goed te keur en kan hy die subsidie wat kragtens hierdie Ordonnansie aan die bestuur betaalbaar is, verminder.

(4) Elke hospitaalkomitee sal nie later as die vyftiende dag van Oktober 1928 vir goedkeuring by die Administrateur 'n begroting soos voormeld vir die jaar 1929, indien.

Goedge-
keurde
uitgawes.

65. (1) Die goedgekeurde uitgawes van 'n bestuur vir die doeleindes van artikel *ag-en-vyftig* hiervan is die begroting op onderhoudsrekening soos goedgekeur deur die Administrateur kragtens die vorige artikel, saam met sodanige ekstra uitgawes onder daardie hoof as van tyd tot tyd later deur die Administrateur goedgekeur word, en geen uitgawes buite en behalwe die goedgekeurde uitgawes mag deur 'n bestuur gemaak word nie sonder toestemming van die Administrateur, soos bepaal in die eersvolgende subartikel.

(2) 'n Bestuur kan in enige jaar vir die doeleindes van hierdie Ordonnansie, koste maak bowe die koste goedgekeur deur die Administrateur in terme van subartikel (1) hiervan, tot 'n bedrag van ten hoogste die bedrag wat die Administrateur vir bedoelde jaar mag goedkeur, met dien verstande dat geen rekening sal gehou word met sodanige uitgawes by die vasstelling van subsidie in terme van artikel *ag-en-vyftig* van hierdie Ordonnansie nie.

Sentrale
Mediese
Magasyn.

66. Die bestuur van die Johannesburgse hospitaal sal, solank as die Administrateur dit vereis, teen terugbetaling van die bruto inkoopsprys enige medisyne, verbandstowwe of mediese benodighede verskaf waarvoor enige ander bestuur 'n rekwisiesie ingestuur het.

Subsidies
vir nuwe
geboue.

67. Wanneer 'n voorlopige hospitaalkomitee of 'n bestuur fondse ingesamel het vir die oprigting en uitrusting van geboue, sal die Administrateur geregtig wees om by te dra tot die fonds van die bestuur wat kragtens hierdie Ordonnansie ingestel is of ingestel sal word,

- (e) terugbetaling van enige lening waarvoor die bestuur aanspreeklik is en,
 (f) sodanige ander doeleindes van 'n kapitale aard as die Administrateur goedkeur.

Ord. No. 18
 van 1928.

63. (1) Die Administrateur kan, onderworpe aan die bepalings van hierdie Ordonnansie en uit sodanige fondse as die Prowinsiale Raad van tyd tot tyd vir die doel verskaf, lenings toeken aan 'n bestuur vir alle of enige van die volgende doeleindes:—

Prowinsiale
 lenings.

- (a) die oprigting, bou, aankoop, uitbreiding of verbetering van enige gebou;
 (b) die aankoop van land of regte op of belang by grond;
 (c) die uitvoering van enige werk van 'n permanente aard met betrekking tot 'n saak wat aan 'n bestuur opgedra is;
 (d) die terugbetaling van enige lening (uitgenome 'n lening van die Administrasie) vir enige van die doeleindes genoem in paragrawe (a), (b) en (c) van hierdie subartikkel.

(2) Elke sodanige lening word toegeken op sodanige voorwaardes en vir sodanige tydperke as voorgeskryf word en kom, met die rente wat daarop verskuldig is, ten laste van die bate en inkomste van die bestuur en word terugbetaal in gelyke halfjaarlikse paaiemente wat so bereken is dat die gehele lening, met rente daarop, terugbetaal word binne sodanige tydperk wat nie meer as veertig jaar sal wees nie.

64. (1) Die bestuur sal in die maand September van elke jaar vir goedkeuring van die Administrateur, in sodanige vorm as hy voorskryf, 'n begroting vir die volgende jaar indien van—

Begroting.

- (a) inkomste en uitgawes op onderhoudsrekening; en
 (b) ontvangste en betalings op kapitaalrekening.

(2) As die Administrateur van opinie is dat daar redelike grond is om te beskou dat bedoelde begroting buitensporig is, kan hy die vir rapport na die bestuur verwys.

Ord. No. 18
van 1928.

maak van bedoelde legaat en word toegeëien en uitgegee op enige wyse waarop die legaat wettig mag toegeëien en uitgegee word en nie anders nie.

(4) Ongeag enige andersluidende bepaling in hierdie artikel, kan die Administrateur enige subsidie betaalbaar kragtens hierdie artikel terughou of weier om enige sodanige voornoemde lening toe te ken, met behoorlike inagneming van die klassifikasie van die betrokke publieke hospitale, as hy van oordeel is dat dit nie wenslik is dat aan die doel van die legaat uitvoering gegee word nie.

Te betale
subsidiës.

60. (1) Die subsidiës voorgeskryf deur hierdie Ordonnansie is betaalbaar op so'n wyse as die Administrateur bepaal.

(2) Die Administrateur kan in enige jaar sodanige voorskotte aan 'n bestuur maak op rekening van die subsidie betaalbaar aan bedoelde bestuur in sodanige jaar as hy dienstig ag, kragtens die bepalings van artikel *ag-en-vyftig* van hierdie Ordonnansie, met dien verstande dat alle bedrae wat aldus voorgeskiet is afgetrek word van die gelde wat daarna aan bedoelde besture betaalbaar is.

(3) Waar 'n hospitaal operig is in terme van artikel *sewe* van hierdie Ordonnansie en daarvoor 'n bestuur ingestel is, kan die Administrateur, ongeag enige teenstrydige bepaling in hierdie Ordonnansie, die bedrag vasstel van die subsidie wat aan bedoelde bestuur betaalbaar is gedurende die eerste, en, as hy dit dienstig ag, die tweede jaar van die bestaan van bedoelde hospitaal, op sodanige wyse as hy sal vasstel.

Oortrekkings.

61. 'n Bestuur kan van enige bank voorskotte kry by wyse van oortrekking van sodanige bedrae en op sodanige voorwaardes as die Administrateur goedkeur.

Lenings.

62. 'n Bestuur kan van tyd tot tyd lenings sluit tot sodanige bedrae en op sodanige voorwaardes as die Administrateur goedkeur vir een van, of al die volgende doeleindes:—

- (a) die oprigting en uitrusting van geboue,
- (b) die oprigting van vergrotings by geboue,
- (c) die maak van veranderinge by geboue,
- (d) die aankoop van land vir hospitaaldoeleindes,

alleen betaal word ten opsigte van pasjente vir wie 'n magistraat 'n sertifikaat uitreik dat hulle nie in staat is om tot die koste van hospitaalbehandeling by te dra nie.

Ord. No. 18
van 1928.

58. (1) Aan elke bestuur is 'n subsidie betaalbaar van 30s. op elke pond kontant ontvang by wyse van subskripsies, skenkings of legate vir die onderhoud van die publieke hospitaal, met dien verstande egter, dat nie meer as drie vyftes van die verskil tussen die goedgekeurde uitgawe van 'n bestuur in terme van artikel *vyf-en-sestig* hiervan, en die inkomste deur die bestuur verdien kragtens artikels *twee-en-vyftig* tot *sewen-en-vyftig* hiervan in een jaar betaalbaar is by wyse van subsidie kragtens hierdie artikel nie.

Subsidie op skenkings, ens.

(2) Wanneer deur 'n bestuur eiendom of geld ontvang word as 'n gif of legaat vir skenking aan 'n publieke hospitaal word die subsidie betaalbaar kragtens hierdie artikel nie betaal op die kapitaalsom nie, maar is betaalbaar op die netto inkomste wat die bestuur in die jaar ontvang het ten opsigte van bedoelde eiendom of op die rente opgebring deur die belegging van bedoelde geld.

59. (1) Ten opsigte van legate vir uitgawes aan een of meer bepaalde doeleindes uitgenome vir die onderhoud van die publieke hospitaal is, onderworpe aan die bepalinge van subartikels (2) en (4) hiervan 'n subsidie van een pond betaalbaar vir elke pond van die waarde van bedoelde legate, maar is hoogstens eenduisend pond in die geval van 'n sentrale publieke hospitaal; sewenhonderd en vyftig pond in die geval van 'n eerste graads publieke hospitaal; vyfhonderd pond in die geval van 'n tweedegraads publieke hospitaal en tweehonderd en vyftig pond in die geval van 'n eerste- of twedeklas oorgangshospitaal, ten opsigte van die boedel van 'n enkel erfster.

Subsidie op legate.

(2) Wat betref legate vir enige sodanige bepaalde doel of doeleindes soos genoem word in subartikel (1) van artikel *drie-en-sestig* hiervan, kan die Administrateur na goedvinde, in plaas van 'n subsidie in terme van subartikel (1) hiervan te betaal, 'n lening toeken kragtens die bepalinge van genoemde artikel, tot 'n bedrag van hoogstens een pond vir elke pond van die waarde van bedoelde legaat.

(3) Al die gelde betaal as subsidie of toegeken by wyse van lening ten opsigte van enige sodanige legaat, word geag deel uit te

Ord. No. 18
van 1928.

(2) Genoemde spesiale subsidie sal wees in die geval van die bestuur van die

- (a) Johannesburg Hospitaal £50,000;
- (b) Boksburg Hospitaal £7,500;
- (c) Krugersdorp Hospitaal £5,000;
- (d) Germiston Hospitaal £3,000;

met dien verstande dat die Administrateur op enige tyd na behoorlike ondersoek en na verwysing na die raad bedoelde subsidie kan verlaag in die geval van enige van die, of al die genoemde besture as die omstandighede dit, syns insiens, wettig.

Verdere
spesiale
subsidiës.

56. (1) 'n Spesiale subsidie is jaarliks betaalbaar aan die besture van die hospitale van Barberton, Klerksdorp en Pietersburg, met dien verstande dat die Administrateur op enige tyd na behoorlike ondersoek en na verwysing na die raad bedoelde subsidie kan verminder in die geval van enige van die, of al die genoemde besture as die omstandighede, syns insiens, enige sodanige vermindering wettig.

(2) Die spesiale subsidie genoem in subartikel (1) hiervan sal wees in die geval van die bestuur van die :

- (a) Hospitaal van Barberton £3,750;
- (b) Hospitaal van Klerksdorp £1,750;
- (c) Hospitaal van Pietersburg £1,000.

(3) Die Administrateur mag, na behoorlik ondersoek en na verwysing na die bestuur, van tyd tot tyd uit sulke fondse as wat die Prowinsiale Raad mag voorsien spesiale subsidiës uitbetaal aan die bestuur van enige publieke hospitaal anders as van 'n publieke hospitaal waarvoor spesifiek voorsiening gemaak is in hierdie en in die voorafgaande artikel en hy mag op dieselfde wyse die bedrag verhoog van enige spesiale subsidie, betaalbaar onder die genoemde artikels indien volgens sy oordeel die omstandighede enige sodanige vermeerdering regverdig.

Subsidie op
vry
pasjente.

57. (1) 'n Subsidie is betaalbaar aan elke bestuur gebaseer op die aantal vry pasjente behandel gedurende die vorige kalenderjaar teen vyf sielings per pasjente per dag in die geval van blanke pasjente en twee sielings en ses pennies per pasjente per dag in die geval van ander pasjente.

(2) In die geval van publieke hospitale, uitgenome sentrale en eerstegraads hospitale, sal subsidie vir die doeleindes van hierdie artikel

betaal as hieronder bepaal word en as nodig mag wees om die goedgekeurde uitgawes van die bestuur te dek.

Ord. No. 18
van 1928.

54. (1) 'n Subsidie sal betaalbaar wees ten opsigte van fooie ontvang van pasjente en sal in die geval van 'n publieke hospitaal soos hieronder geklassifiseer, nie meer bedra as—

Subsidie.

- (a) 'n Sentrale hospitaal, vyf-en-twintig sielings vir elke pond wat aldus ontvang word;
- (b) 'n Eerstegraads hospitaal, 20s. vir elke pond wat aldus ontvang word;
- (c) 'n Twedegraads hospitaal,
 - (i) as die akkomodasie vir pasjente in bedoelde hospitaal nie minder as vyftig bedde is, 15s. vir elke pond wat aldus ontvang word;
 - (ii) as die akkomodasie vir pasjente minder as vyftig bedde is, 10s. vir elke pond wat aldus ontvang word;
- (d) 'n Eerste klas oorgangshospitaal, 7s. 6d. vir elke pond wat aldus ontvang word;
- (e) 'n Twedeklas oorgangshospitaal, 7s. 6d. vir elke pond wat aldus ontvang word.

(2) Die subsidie betaalbaar kragtens hierdie artikel word bereken na die fooie wat van pasjente ontvang is gedurende die vorige kalenderjaar.

(3) Die Administrateur kan, of die subsidie betaalbaar kragtens hierdie artikel terughou, of die tarief daarvan verlaag, in die geval van 'n bestuur wat volgens sy oordeel nie redelike voorsiening gemaak het vir die hulp van die behoeftige siekes nie of waar in die publieke hospitaal onder die beheer van bedoelde bestuur die aantal vry pasjente aan wie hulp verleen word, vir hom te gering lyk.

(4) Geen subsidie sal kragtens die bepalinge van hierdie artikel betaal word nie ten opsigte van fooie betaal vir enige pasjente wat behandel word in sale vir besmetlike of aansteeklike siektes, onderhou deur 'n bestuur vir of namens een of meer plaaslike besture wat bedoelde sale ingestel het kragtens die bepalinge van die Publieke Gesondheid Wet 1919 of enige ander wet.

55. (1) 'n Spesiale subsidie is jaarliks betaalbaar aan die besture van die hospitale van Johannesburg, Boksburg, Krugersdorp en Germiston.

Spesiale
subsidië.

Ord. No. 18
van 1928.

(2) Die maak, intrek of wysig van enige bedoelde regulasie sal nie van krag wees nie tensy en totdat dit deur die Administrateur goedgekeur en in die *Offisiële Koerant* gepubliseer is nie.

(3) Die Administrateur kan deur kennisgewing in die *Offisiële Koerant* op enige tyd enige regulasie herroep wat van krag is by die aanvang van hierdie Ordonnansie.

(4) Enige regulasie kan betrekking hê, hetsy op 'n enkele hospitaal of op twee of meer hospitale of oor die algemeen op al die hospitale onder die kontrole van die bestuur.

(5) Al die regulasies van krag tén opsigte van enige publieke hospitaal by die aanvang van hierdie Ordonnansie bly, vir sover as hulle verenigbaar is met hierdie Ordonnansie en die regulasies daarvan, van krag vir bedoelde publieke hospitaal asof hulle gemaak was kragtens hierdie Ordonnansie, en kan ingetrek, verander en gehandhaaf word op dieselfde wyse asof hulle gemaak was deur die bestuur waaronder bedoelde hospitaal ressorteer.

HOOFSTUK IV.

Finansiël.

Verantwoordings
boeke
en verslae.

51. (1) 'n Bestuur sal sodanige boeke en rekeninge hou en sodanige opgawes indien as die Administrateur na oorleg met die raad binne drie maande na die aanvang van die Ordonnansie en daarna van tyd tot tyd mag voorskryf.

(2) Afsonderlike rekeninge sal aangehou word van alle trust- skenkings- of delgingsfondse onder die beheer van die bestuur.

(3) Al die boeke en rekenings sal op enige redelike tyd ter insae lê van enige lid van die bestuur, en van enige persoon wat deur die Administrateur behoorlik daartoe gemagtig is.

(4) Die finansiële jaar van die bestuur sal eindig op die een-en-dertigste dag van Desember in elke jaar.

Foöie en
ander
ontvangste
word deur
die bestuur
behou.

52. Van, en na die aanvang van hierdie Ordonnansie word al die foöie en ander ontvangste deur die bestuur behou.

Prowinsiale
subsiedies.

53. Die Administrateur sal aan elke bestuur uit gelde toegeëien deur die Prowinsiale Raad, by wyse van subsiedie sodanige somme

gevangenisstraf met of sonder harde arbeid, sonder die keuse van 'n boete vir 'n tydperk van ten hoogste drie maande.

**Ord. No. 18
van 1928.**

49. Elke bestuur moet 'n boek aanhou, 'n "Register van Bydraers" genoem, waarin die name en adresse van al die bydraers en die bedrag of bedrae waarvoor elke bydraer ingeteken het, ingeskryf word.

Bestuur moet 'n boek aanhou van die name en adresse van bydraers

50. (1) 'n Bestuur kan van tyd tot tyd vir enige hospitaal onder sy beheer regulasies nie in stryd met hierdie Ordonnansie nie, maak, intrek of wysig, met betrekking tot die volgende sake:—

Ontwerp van regulasies deur bestuur

- (a) reëling van die toelating of ontslag van pasjente en ander persone wat behandel word en die tarief van koste van toepassing op pasjente,
- (b) handhawing van orde, tug, welvoeglikheid en sindelikheid onder die verpleegdes van die hospitaal,
- (c) die voorskrywe van die pligte van die honorêre besoekende dokters en van die beamptes, verpleegsters, oppassers, en bediendes, van die hospitaal, en die voorwaardes waarop geregistreerde geneeskundiges nie op die staf nie, onder worpe aan die bepalinge van artikel *sewen-en-veertig* hiervan, pasjente in die Instelling kan behandel,
- (d) reëling van die benoeming, pligte en voorregte van werknemers,
- (e) reëling van die verleen van hulp aan pasjente of ander persone wat geen verpleegsters van die hospitaal is nie,
- (f) algemene voorsiening vir alle sake betreffende die beheer van, sorg vir, en kontrole en toesig oor bedoelde hospitaal en die beantwoording aan die doel daarvan,
- (g) verhinder dat bedoelde hospitaal of die terreine daarvan betree word deur persone wat nie daartoe geregtig is nie,
- (h) verbod om enige bepaalde artikels in die hospitaal te bring,
- (i) die maak van voorsiening vir 'n straf van hoogstens vyf pond, of een maand gevangenisstraf vir 'n inbreuk of enige regulasie gemaak kragtens subartikels (g) en (h) hiervan.

Ord. No. 18
van 1928.

(3) Geen bepaling in hierdie artikel belet 'n bestuur om aan enige geregistreerde geneeskundige toegang tot enige hospitaal of tot enig bepaalde gedeelte daarvan te weier nie, met dien verstande, dat bedoelde geneeskundige hom kan beroep op die Administrateur, wie se beslissing in die saak finaal is. Verder met dien verstande dat waar enige lid van 'n bestuur voorgestel het dat toegang aan enige geregistreerde geneeskundige geweier word onder omstandighede waar die toegang van sulke geneeskundige deur die Administrateur beskou mag word as 'n saak van algemene gedragslyn, en die bestuur het so'n mosie verwerp; die lid hom mag beroep op die Administrateur, wie se beslissing in so'n geval dan ook finaal sal wees.

Applikante vir hulp moet juiste inligtings verskaf.

48. (1) Uitgenome in gevalle van dringende noodsaaklikheid, weier die bestuur bystand aan enige applikant vir hulp binnenshuis by 'n publieke hospitaal, totdat bedoelde applikant, of enige persoon wat vir bedoelde applikant aanspreeklik is, die inligtings verskaf het, nodig om 'n vorm van toelating soos voorgeskryf in die Twede Bylae hiervan, in te vul, en bedoelde vorm behoorlik geteken en 'n sertifikaat getoon het van die applikant se dokter, of as die applikant geen dokter het nie, van enige persoon deur die bestuur goedgekeur, vermeldende dat hy met die omstandighede van bedoelde applikant bekend is.

(2) As om enige rede aan al die bepalings van hierdie artikel nie onmiddellik kan voldoen word nie, kan die bestuur tydelike hulp verskaf aan enige applikant in afwagting van nader ondersoek.

(3) Hierdie artikel is nie van toepassing op enige applikant wat onderneem om vir bedoelde hulp te betaal teen 'n skaal nie laer as die tarief van fooie vir pasjente in algemene siekesale wat by die publieke hospitaal van krag is nie.

(4) As bedoelde applikant, of enige persoon ten behoeve van bedoelde applikant opsetlik en moedswillig enige valse, onjuiste, of misleidende inligtings verskaf, met die doel om van die bestuur kosteloos of teen 'n laer tarief as bedoelde applikant anders sou verplig wees om te betaal, hulp te verkry sal hy skuldig wees aan 'n oortreding en kan veroordeel word tot 'n boete van ten hoogste tien pond of tot

in die geval van 'n publieke hospitaal wat aldus geklassifiseer is as 'n tweedegraads hospitaal: twee honderd en vyftig pond; en

in die geval van 'n publieke hospitaal wat aldus geklassifiseer is as 'n eerste- of twedeklas oorgangshospitaal: een honderd pond;

met dien verstande dat planne en spesifikasies van elke voorgestelde nuwe gebou, of verandering in die bou, of uitbreiding, deur die bestuur na die Administrateur gestuur word vir sy informasie.

45. 'n Bestuur mag, met voorafgaande skriftelike toestemming van die Administrateur, 'n hospitaal onder sy beheer sluit.

Bestuur mag 'n hospitaal sluit.

46. (1) Dit is die plig van elke bestuur om al die hospitale onder sy beheer op alle tye tot bevrediging van die Administrateur te onderhou.

Onderhoud van hospitale moet tot bevrediging van die Administrateur wees.

(2) Dit is die plig van elke bestuur om in enige hospitaal onder sy beheer, vir so ver daarin voldoende plek beskikbaar is, enige persoon op te neem wat lydende is aan enige van die siektes vir die behandeling waarvan die hospitaal gestig is. Pasjente word toegelaat na gelang van die dringendheid van die behoefte aan behandeling, maar in enige gebied waarin 'n doelmatige private verplegingstehuis bestaan met beskikbare akkomodasie, geniet die behoeftige siekes, as ander dinge gelyk is, steeds die voorkeur van enige bedoelde hospitaal.

47. (1) In enige publieke hospitaal deur die Administrateur as 'n sentrale hospitaal geklassifiseer, is pasjente wat nie minder as die vol tarief van koste hetsy in algemene of private siekesale betaal, aanspreeklik vir mediese fooie aan die dokters wat hulle behandel en is onderworpe aan die bepalinge van hierdie Ordonnansie, geregtig om bedoelde dokter te kies, hetsy op die staf of nie.

Pasjente wat vol tarief betaal is aanspreeklik vir mediese fooie.

(2) In enige publieke hospitaal wat nie aldu deur die Administrateur as 'n sentrale hospitaal geklassifiseer is nie, moet pasjente wat sewe sielings en ses pennies per dag en meer betaal, die mediese fooie betaal aan die dokters wat hulle behandel en is, met inagnome van die bepalinge van hierdie Ordonnansie, geregtig om bedoelde dokter te kies, hetsy op die staf of nie.

Ord. No. 18
van 1928.

Ord. No. 18 van 1928. Bestuur mag grond verkoop of ruil.

40. 'n Bestuur mag, met toestemming van die Administrateur, enige losse of vaste eiendom by hom in berusting, uitgenome grond wat vir enige spesiale doel in trust gehou word, verkoop of op andere wyse vervreem of van die hand set, en enige geld, by wyse van gelykheid van ruiling, betaal of ontvang.

Bestuur mag grond verhuur.

41. (1) 'n Bestuur mag, met goedkeuring van die Administrateur, huurkontrakte verleen van enige gronde wat by hom in berusting is.

(2) Die bevoegdhede tot verhuur hierby aan 'n bestuur toegeken, strek sig uit tot enige skenking wat dit onder sy berusting het, en tot grond wat dit in bewaring het, maar die bestuur is nie geregtig om 'n huurkontrak van enige sodanige skenkings of trusteiendom te verleen vir sulke termynne of op sulke voorwaardes as volgens die oordeel van die Administrateur onverenigbaar is met die vereiste en behoorlike gebruik daarvan vir die doel waarvoor die grond aan die bestuur in bewaring gegee is nie.

Bestuur mag gronde, in trust gehou, verkoop, ens.

42. Die bevoegdhede om grond wat deur hierdie Ordonnansie aan die bestuur toegeken is, met toestemming van die Administrateur te verkoop, ruil, verpand of belas, het betrekking op grond in trust gehou vir enige spesiale doel ongeag die bepalinge van die trust, maar die opbrings van enige sodanige verkoop en die grond of geld verkry deur enige sodanige ruiling, is onderworpe aan dieselfde of dergelyke bewarings, vir so ver as dié bestaan, as die grond waaroor aldus beskik is.

Verkreë eiendom sal by die bestuur berus.

43. Al die eiendom verkry deur 'n bestuur sal by die bestuur berus.

Oprigting van geboue deur bestuur.

44. (1) 'n Bestuur mag geen nuwe gebou oprig of bestaande geboue vergroot of verander sonder voorafgaande toestemming van die Administrateur nie as die koste meer bedra as—
in die geval van 'n publieke hospitaal wat deur die Administrateur as 'n sentrale hospitaal geklassifiseer is: een duisend pond;

in die geval van 'n publieke hospitaal wat aldus geklassifiseer is as 'n eerstegraads hospitaal: vier honderd pond;

(3) By die instelling van 'n bestuur in terme van artikel (1) van subartikel (2) van artikel *ag* hiervan, word al die bate en laste van die hospitaalkomitee, waarvan dit die opvolger is in terme van artikel *negentien* hiervan, respektieflik die bate en laste van die bestuur.

Ord. No. 18
van 1923.

(4) Waar enige grond of enige boedel of reg op grond kragtens hierdie Ordonnansie onder berusting van 'n bestuur kom sonder oordrag of oormaking, en 'n hospitaalkomitee of enige trustee, benoem in verband met 'n hospitaalkomitee, die geregistreerde eienaar van daardie grond, boedel of reg is, sal die Registrateur van Aktes, op versoek van die bestuur, en nadat hy deur 'n beëdigde verklaring of andersins, van die eiendomsreg van die bestuur oortuig is, die bestuur as die eienaar van genoemde grond, boedel of reg in plaas van die genoemde hospitaalkomitee of trustee registreer.

38. Alle eiendom wat berus by 'n bestuur as die opvolger van 'n hospitaalkomitee ooreenkomstig hierdie Ordonnansie bly onderworpe aan enige trusts in verband met daardie eiendom op die tyd waarop dit aldus in berusting is en word op alle tye daarna toegeëien en deur die bestuur beheer vir die doeleindes van daardie trusts, en in ooreenstemming met die bepalinge daarvan, uitgenome in sover as daardie doeleindes en bepalinge volgens die oordeel van die Administrateur in stryd of onbestaanbaar is met die bepalinge van hierdie Ordonnansie.

Eiendom in berusting by bestuur as opvolger van hospitaalkomitee bly onderworpe aan bestaande trusts.

39. (1) 'n Bestuur mag enige eiendom by wyse van erfating, legaat of skenking in trust aanvaar vir die doel van enige bestaande of toekomstige hospitaal onder sy kontrole, of in trust vir enige doel waartoe die bestuur wettig sy eie eiendom kan aanwend.

Bestuur mag eiendom in trust aanvaar.

(2) Alle eiendom wat 'n bestuur in trust aanvaar het kragtens die magtiging van hierdie artikel, en al die inkomste daarvan getrek, word toegeëien en beheer deur die bestuur vir die doeleindes van die trust en ooreenkomstig die bepalinge daarvan vir sover as daardie bepalinge volgens die oordeel van die Administrateur ooreen te bring is met die bepalinge van hierdie Ordonnansie.

**Ord. No. 18
van 1928.**

duisend negehoederd en negen-en-twintig, dieselfde of enige dergelike funksie uit te oefen in 'n publieke hospitaal na die aanvang van hierdie Ordonnansie nie.

Legalisering
van
dokumente.

33. Elke dokument wat deur die bestuur gelegaliseer moet word, is voldoende gelegaliseer wanneer dit geteken is deur twee lede daarvan of deur sodanige beampte van die bestuur wat daartoe behoorlik gemagtig is deur enige bestuur of regulasie van die bestuur.

Kontrakte.

34. Al die kontrakte waarvan die waarde van die inhoud die som van vyftig pond te bowe gaan moet in geskryfte wees en word geteken deur 'n lid van die bestuur en deur die sekretaris.

Bestuur
mag
skikking
tref ten
opsigte
van
kontrak-
breuk.

35. 'n Bestuur mag 'n skikking tref met enige persoon vir sodanige som geld of ander vergoeding as hy dienstig ag ten opsigte van enige kontrakbreuk of enige skuld of geld aan die bestuur betaalbaar, hetsy voor of nadat 'n regsverordering ingestel is vir die invordering daarvan.

Sekere
kontrakte
goedgekeur
te word deur
Admini-
strateur.

36. Geen kontrak met die bestuurders van 'n siekefonds of weldadigheidsgenootskap of regeringsdepartement vir die verleen van hulp binnenshuis teen 'n laer tarief as die daaglikse koste van onderhoud sal deur 'n bestuur aangegaan word sonder die toestemming van die Administrateur nie.

Eiendom van
besture wat
ontbind is
berus sonder
oordrag by
besture.

37. (1) By die instelling van 'n bestuur kragtens hierdie Ordonnansie, sal al die roerende en onroerende eiendom van enige aard wat voorheen by enige hospitaalkomitee berus het, by die bestuur berus sonder oordrag of oormaking van die boedel en reg van die hospitaalkomitee daarop en die Goewerneur-Generaal sal wettig bevoeg wees om in terme van hierdie artikel enige grond geregistreer op naam van die Regering en gebruik deur 'n hospitaalkomitee vir die doeleindes van 'n hospitaal aan die bestuur oor te dra.

(2) Onverminderd enige bepaling in hierdie artikel vervat, sal die onroerende eiendom in gebruik van die Pretoria Hospitaal by die aanvang van hierdie Ordonnansie, nie by die bestuur berus nie, maar word so gou moontlik nadat die nuwe Pretoria Hospitaal geopen is, deur die bestuur aan die Administrasie oorgedra.

Ord. No. 18
van 1928.

(3) Vanaf, en na die aanvang van hierdie Ordonnansie sal 'n bestuur op vordering, ten behoeve van die fonds gestig kragtens die Pensioene-Ordonnansie aan die Administrasie betaal:—

- (a) enige bydraes verskuldig deur verpleegsters en beamptes in diens van die bestuur;
 - (b) enige somme wat kragtens die bepaling van bedoelde Ordonnansie betaalbaar is deur die Administrasie, met dien verstande, dat die Administrasie aanspreeklik bly vir en, sal voortgaan om te betaal, enige somme ten opsigte van die agterstallige dienstyd van die verpleegsters en beamptes genoem in subartikel (1) hiervan, verskuldig deur die Administrasie by die aanvang van hierdie Ordonnansie.
- (4) Enige bedrag betaal aan enige werknemer in terme van subparagraaf (ii) van die eerste voorberaadsbepaling by paragraaf (a) van subartikel (4) van artikel *negen-entwintig* hiervan, wat meer bedra as die salaris, of loon wat sou betaal gewees het ooreenkomstig die voorgeskrewe skaal, sal vir die doeleindes van die Pensioene-Ordonnansie nie geag word begrepe te wees in sy pensioendraende emolumente nie maar sal vir alle doeleindes beskou word as 'n persoonlike toelae waaraan geen pensioen verbonde is nie.

32. (1) Geen matrone, suster, stafverpleegster, hoofverpleegster of verantwoordelike verpleegster sal in funksie bly na die aanvang van hierdie Ordonnansie in verband met enige publieke hospitaal nie tensy geregistreer as 'n opgeleide verpleegster deur die Mediese Raad van 'n Provinsie van die Unie of deur enige wettige opvolger daarvan.

Sekere
beamptes
moet
geregistreer
word.

(2) Geen verloskundige sal na die aanvang van hierdie Ordonnansie in enige funksie bly in verband met enige publieke hospitaal nie, tensy geregistreer as 'n gesertifiseerde verloskundige deur die Mediese Raad van 'n Provinsie van die Unie of deur enige wettige opvolger daarvan.

(3) Geen bepaling in hierdie artikel vervat verhoed enige geregistreerde persoon wat enige funksie uitoefen as matrone, suster, hoofverpleegster, stafverpleegster, verantwoordelike verpleegster of verloskundige in verband met enige hospitaal onder 'n hospitaalkomitee voor die 1ste dag van Januarie een

Ord. No. 18
van 1928.

(c) Die skale van salarisse, lone en toelaes van krag by die aanvang van hierdie Ordonnansie ten opsigte van prowinsiale hospitale word geag die skale te wees asof voorgeskryf kragtens hierdie artikel totdat hulle verander word deur die Administrateur kragtens paragraaf (a) hiervan.

(d) Onverminderd enige bepaling hierin mag 'n werknemer se salaris of loon nie verlaag word onder die bedrag betaalbaar ooreenkomstig die skaal van toepassing op bedoelde werknemer en sal hy nie op 'n laer skaal geplaas word nie, uitgesonderd met goedkeuring van die Administrateur.

Spesiale
voorsienings
vir
pensioneerbare
beamptes.

30. Geen persoon wat by die aanvang van hierdie Ordonnansie bydra tot die pensioenfonds kragtens die bepalings van die eersvolgende artikel, sal uit sy betrekking ontslaan word of vermindering van salaris of besoldiging kry sonder sy toestemming nie tensy die toestemming van die Administrateur verkry is, met dien verstande, dat die bestuur enige sodanige persoon in sy betrekking kan skors of die besoldiging daaraan verbonde kan opskort, weëns totale onbekwaamheid, nalatigheid of wangedrag, in afwagting van die toestemming van die Administrateur tot sy ontslag, en in geval bedoelde toestemming verleen word, word bedoelde persoon geag uit sy betrekking ontslaan te wees vanaf die datum van bedoelde skorsing of sodanige later datum as die bestuur bepaal.

Pensioene.

31. (1) Die bepalings van die Pensioene-Ordonnansies bly van toepassing op elke hospitaal wat voor die aanvang van hierdie Ordonnansie 'n prowinsiale hospitaal was.

(2) Die Pensioene-Ordonnansies word en is hiermee toegepas respektieflik op die verpleegsters van elke ander publieke hospitaal en op die beamptes daarvan, wat sodanige betrekings bekleed as van tyd tot tyd deur die Administrateur voorgeskryf word, met dien verstande, dat orals waar die uitdrukking "vasgestelde datum" gebruik word in die Pensioene-Ordonnansie, dit, in die geval van die werknemers in hierdie subartikel genoem, beteken die eerste dag van April een duisend negehoonderd en negen-en-twintig, en verder met dien verstande, dat die bestuur bepaal watter tydperk van ewentuele vroeëre onafgebroke diens voor die vasgestelde datum, sodanige werknemer geregtig is om vir pensioendoeleindes te bereken.

bestuur sodanige salarisse, lone of ander besoldiginge betaal as die bestuur goeddink, onderworpe aan die bepalings van die eersvolgende subartikel.

(4) (a) Die Administrateur kan van tyd tot tyd, vir die doeleindes om die uitgawes van 'n bestuur goed te keur in terme van subartikel (1) van artikel *vyf-en-sestig* van hierdie Ordonnansie—

- (i) bepaal na oorleg met die raad wat die goedgekeurde staf van enige publieke hospitaal sal wees; en
- (ii) skale van salarisse, lone en toelaes voorskrywe van toepassing op die verskillende klasse werknemers van publieke hospitale wat in aanmerking kom vir lidmaatskap van 'n fonds in terme van die Pensioene-Ordonnansie en op hulle indiensneming deur besture, en die werknemers op wie sodanige skale van toepassing is sal salarisse, lone en toelaes betaal word ooreenkomstig bedoelde skale,

met dien verstande, dat, onderworpe aan die bepalings van subartikel (2) van artikel *vyf-en-sestig* van hierdie Ordonnansie, 'n bestuur—

- (i) na dit dienstig ag, sodanige werknemers buite die goedgekeurde staf mag benoem as deur die Administrateur bepaal word;
- (ii) aan 'n werknemer 'n hoër salaris of loon mag betaal as wat betaalbaar is ooreenkomstig die skaal van toepassing op bedoelde werknemers;
- (iii) enige werknemer spesiaal mag bevorder binne die skaal van toepassing op bedoelde werknemer;

verder met dien verstande, dat enige koste gemaak deur 'n bestuur in die uitoefening van sy bevoegdhede in terme van subparagrafe (i), (ii) of (iii) van die eerste voorbehoudsbepaling hiervan, tensy spesiaal goedgekeur deur die Administrateur, nie beskou sal word as goedgekeurde uitgawes vir die doeleindes van artikel *ag-en-vyftig* van hierdie Ordonnansie nie.

(b) Die salarisse, lone en toelaes betaal aan werknemers ten opsigte van wie geen skale voorgeskryf is nie, is dié goedgekeur deur die bestuur, tensy die Administrateur uitdruklik die betaling van ander salarisse, lone of toelaes goedkeur.

Ord. No. 18
van 1928.

—
Art. 29.

**Ord. No. 18
van 1928.**

kontrole van die bestuur, die algemene behandeling van die saak waarvoor die komitee ingestel is.

(2) 'n Komitee kan ingestel word vir elke hospitaal wanneer daar meer as een hospitaal onder 'n bestuur is en die honorêre besoekende dokters by elke sodanige hospitaal het die reg om 'n verteenwoordiger te benoem om sitting te neem op die komitee wat deur die bestuur ingestel is.

Handelinge en verrigtings van komitees moet aan die bestuur gerapporteer word.

27. Al die handelinge en verrigtinge van 'n komitee, benoem kragtens artikel *ses-entwintig* hiervan, word aan die bestuur gerapporteer en is, uitgenome vir so ver as die bestuur deur regulasie of besluit anders bepaal, nie van toepassing of van krag nie tensy goedkeur op 'n vergadering van die bestuur.

Verrigtings van bestuur en komitees moet volgens regulasies geskied.

28. (1) Die verrigtings van 'n bestuur en die verrigtings en bevoegdheede van elke komitee benoem kragtens artikel *ses-entwintig* hiervan, moet geskied volgens sodanige regulasies, nie in stryd met hierdie Ordonnansie nie, as wat van tyd tot tyd deur die bestuur gemaak word, met goedkeuring van die Administrateur.

(2) Van alle sodanige verrigtings moet behoorlike notule gehou word.

Benoeming van beamptes.

29. (1) 'n Bestuur kan van tyd tot tyd, onderworpe aan die bepalinge van hierdie Ordonnansie, 'n superintendent, sekretaris en sodanige ander beamptes, matrones, verpleegsters, oppassers en bediendes (hieronder werknemers genoem), benoem as hy nodig ag om behulpsaam te wees by die bestuur van enige publieke hospitaal onder sy kontrole of andersins by die toepassing van hierdie Ordonnansie, met dien verstande dat niemand wat 'n lid van 'n bestuur is of dit gedurende die voorafgaande ses maande was kragtens hierdie artikel benoem mag word nie.

(2) Iedereen in diens van 'n hospitaalkomitee by die aanvang van hierdie Ordonnansie word geag deur die bestuur benoem te wees kragtens, en vir die doeleindes van hierdie Ordonnansie.

(3) Alle persone benoem in terme van hierdie artikel, en alle persone in diens van 'n hospitaalkomitee wat deur die bestuur oorge- neem word, word uit die inkomste van die

by enige lid van die bestuur, of ophou 'n lid van die bestuur te wees, val sy amp as voorsitter daarvan oop, en die bestuur kies so gou moontlik daarna een van sy lede as voorsitter daarvan.

(4) Elke persoon as voorsitter van 'n bestuur gekies bly in funksie tot die verkiesing van sy opvolger, tensy sy amp vroeër oopval.

23. (1) Elke vergadering van die bestuur word deur die voorsitter, indien teenwoordig, gelei.

Voorsitter
lei die
vergaderings.

(2) As die voorsitter van enige vergadering afwesig is, of as daar op die tyd geen voorsitter is nie, kies die aanwesige lede, tensy daar 'n vise-voorsitter is, een van hulle om as voorsitter van daardie vergadering op te tree, en die lid wat gekies is besit op die vergadering dieselfde bevoegdhede asof hy die voorsitter van die bestuur was.

24. (1) Elke saak voor die bestuur word beslis deur 'n meerderheid van stemme van die teenwoordige lede.

Wyse van
beslissing
oor sake
voor die
bestuur.

(2) Die voorsitter het 'n beraadslaende stem en, in geval van staking van stemme, ook 'n beslissende stem.

(3) Geen sake word op enige vergadering behandel nie tensy minstens 'n kworum van lede daarop teenwoordig is gedurende die gehele tyd waarin die sake behandel word.

(4) 'n Kworum bestaan uit minstens een derde van die lede van die bestuur, met inbegrip van die voorsitter, met dien versande dat dit in geen geval uit minder as drie lede sal bestaan nie.

25. (1) Al die vergaderings van die bestuur is vir die publiek toeganklik, tensy dit tydens enige vergadering geag word dat enige onderwerp gepaster en beter privaat bespreek kan word, in watter geval die bestuur bevoeg is om in komitee te gaan en die publiek van die vergadering uit te sluit; en enige besluite deur die bestuur in komitee geneem is van net so veel krag as wanneer die bestuur dit nie in komitee aangeneem het nie.

Vergaderings
van die
bestuur
vir die
publiek
toeganklik.

26. (1) Vir die behandeling van enige saak wat val onder die bevoegdheid van 'n bestuur, kan die bestuur as en vir solank as hy dit dienstig ag, uit sy midde 'n komitee instel en in stand hou, en elke sodanige komitee het, onder

Bestuur kan
vaste
komitees
benoem.

Ord. No. 18
van 1928.

Ord. No. 18
van 1928.

(1) van artikel *ag* hiervan, en oor enige hospitaal of gedeelte van 'n hospitaal waarvan die kontrole en beheer daarvoor oorgedra is deur die Administrateur nadat dit aldus ingestel is, en oor enige hospitaal wat deur die bestuur ingestel is ooreenkomstig die bepalings van hierdie Ordonnansie.

(2) 'n Bestuur kan van tyd tot tyd met toestemming van die Administrateur 'n hospitaal oprig en bedoelde hospitaal staan na sodanige oprigting onder die kontrole en beheer van die bestuur, onderworpe aan die bepalings van hierdie Ordonnansie.

Vergaderings
van
bestuur.

21. (1) Die eerste vergadering van 'n bestuur ingestel kragtens hierdie Ordonnansie word gehou op sodanige tyd en plek as die Administrateur bepaal.

(2) Die gewone vergaderings van die bestuur word minstens eenmaal per maand gehou op sodanige tye en plekke as die bestuur van tyd tot tyd vasstel. Voor die hou van enige sodanige vergadering moet elke lid skriftelik in kennis gestel word met die sake wat daarop sal behandel word. Die toevallige versuim om bedoelde kennisgewing aan enige lid te stuur maak geen inbreuk op die geldigheid van enige vergadering nie.

(3) Die voorsitter kan op enige tyd, en moet op die skriftelike versoek van minstens een derde van die lede van die bestuur, 'n spesiale vergadering van die bestuur belê; met dien verstande dat die kennisgewing van enige spesiale vergadering die doel van die vergadering moet vermeld.

Benoeming
van
Voorsitter.

22. (1) Op die eerste vergadering van 'n bestuur na die aanvang van hierdie Ordonnansie, of so gou moontlik daarna, kies die Bestuur een van sy lede tot voorsitter daarvan, en as die bestuur dit wens, ook 'n vise-voorsitter.

(2) In die loop van die maand Maart en na die jaarlikse algemene vergadering van die bestuur, of so gou moontlik daarna, kies die bestuur in die jaar een duisend negehoonderd en dertig en elke volgende jaar een van sy lede tot voorsitter daarvan en, as die bestuur dit wens ook 'n vise-voorzitter.

(3) Wanneer die voorsitter van 'n bestuur skriftelik as sodanig sy bedanking instuur by die Sekretaris, of by gebreke van 'n Sekretaris,

applikasie van die bestuur van enige hospitaal anders as 'n hospitaal geklassifiseer deur die Administrateur as 'n sentrale hospitaal of as 'n eerstegraads hospitaal die Administrateur mag gelas dat die bepalings van paragraaf (h) van hierdie artikel nie van toepassing sal wees in die geval van sodanige hospitaal nie.

**Ord. No. 18
van 1928.**

17. (1) Wanneer 'n lid van 'n bestuur as sodanig aftree deur die toepassing van die vorige artikel, benoem die Administrateur, die honorêre besoekende dokter of die publieke liggaam, daartoe deur die Administrateur gemagtig (na gelang van omstandighede ooreenkomstig die oorspronklike wyse van benoeming van bedoelde lid), een of ander bevoegde persoon in sy plek.

Aanvulling
van toe-
vallige
vakatures.

(2) Wanneer 'n gekose lid aldus aftree sal die bestuur een of ander gekwalifiseerde persoon uit sy bydraers benoem om die vakature te vul.

(3) As bedoelde benoeming nie gemaak is binne twee maande na die ontstaan van die vakature nie, kan die Administrateur die een of ander bevoegde persoon benoem om die vakature aan te vul.

(4) Die lid benoem in terme van hierdie artikel is slegs in funksie gedurende die onverstreke ampstydperk van sy voorganger.

18. Die instelling van 'n bestuur en die geldigheid of wettigheid van handelinge verrig deur 'n bestuur word nie getref deur enige vergissing of onjuistheid by die verkiesing of benoeming van enige bestuurslid, of deur die feit dat die vol aantal lede nie gekies of benoem is, of deur die feit dat enige persoon wat as lid van die bestuur optree gediskwalifiseer is of sy setel ontruim het nie.

Handelinge
van besture
word nie
getref deur
die wyse
van
benoeming of
verkieping
nie.

19. Elke bestuur ingestel kragtens subartikel (1) van artikel *ag* van hierdie Ordonnansie word vir alle doeleindes geag die opvolger te wees van die hospitaalkomitee van die hospitaal of groep hospitale vir die kontrole en beheer waarvan bedoelde bestuur ingestel is.

Bestuur se
opvolgers op
hospitaal-
komitees.

HOOFSTUK III.

Bevoegdheids van Bestuur: Bestuur en Beheer.

20. (1) 'n Bestuur het ooreenkomstig hierdie Ordonnansie die kontrole en beheer oor die hospitaal, of groep hospitale, vir die beheer waarvan dié ingestel is kragtens subartikel

Kontrole
oor
hospitale
berus by
die bestuur.

**Ord. No. 18
van 1928.**

Wanneer die amp van 'n lid vakant word.

16. Die amp van enige lid van 'n bestuur val oop as hy:—

- (a) sterf; of
- (b) skriftelik sy bedanking instuur by die sekretaris of die voorsitter van die bestuur; of
- (c) insolvent word, of enige ooreenkoms maak met sy krediteure vir minder as twintig sielings in die pond, of sy boedel oormak ten behoeve van sy krediteure; of
- (d) swaksinnig word; of
- (e) op enige tyd veroordeel is weëns 'n oortreding waarvoor hy met gevangenisstraf met harde arbeid gestraf is; of
- (f) sonder verlof van drie agtereenvolgende gewone vergaderings van die bestuur afwesig is; of
- (g) enige winsgewende betrekking of pos beklee onder, of weg te gee deur, die Bestuur; of
- (h) betrokke is by, of belang het (uitgenome as lid van 'n maatskappy) by enige betaling vir goedere gelewer of vir dienste bewys aan die bestuur, of by enige kontrak deur die Bestuur gesluit, as die bedrag betrokke by enige sodanige betaling of kontrak meer as vyf pond bedra in die geval van 'n enkele betaling of kontrak, of tien pond tesame in enige kalenderjaar, in die geval van twee of meer betalings of kontrakte.

Met dien verstande egter, dat 'n belang by enige huurkontrak wat verleen is, of besluit is om verleen te word deur die bestuur, of op enige lening deur die raad gesluit, hetsy op sekuriteit of andersins, geen rede sal uitmaak vir verbeuring van 'n amp kragtens hierdie artikel nie.

En verder met dien verstande dat, as dit die Administrateur by applikasie deur die bestuur blyk, dat enige voorgenome aankoop of betaling vir dienste wat bewys sal word, of dat enige kontrak wat verleen sal word, wenslik en in die openbare belang sou wees, hy die bepaling van hierdie artikel ten opsigte van bedoelde aankoop, betaling of kontrak kan versag, en daarop sal die toekenning van bedoelde kontrak of die aankoop of betaling geen diskwalifikasie kragtens hierdie artikel uitmaak nie; en verder met dien verstande dat by

- (c) Iemand van wie die boedel in likwidasie is of oorgemaak is ten behoewe van sy krediteurs.
- (d) 'n Ongerehabiliteerde insolvente betaler.
- (e) Iemand wat op enige tyd veroordeel is weëns 'n oortreding waarvoor hy gestraf is met gevangenisstraf met harde arbeid, tensy hom gracie verleen is, of tensy sy tydperk van gevangenisstraf minstens drie jaar voor die datum van sy benoeming of verkiesing verstreke is.
- (f) Iemand wat enige winsgewende betrekking of amp beklee onder die bestuur of 'n betrekking waaroor deur die bestuur beslis.
- (g) Iemand wat betrokke is, of belang het by (uitgenome as 'n lid van 'n maatskappy) enige kontrak deur die bestuur gesluit, as die betaling wat ten opsigte van bedoelde kontrak gemaak is, of gemaak sal word, meer as vyf pond bedra in die geval van 'n enkel kontrak, of tesame tien pond in enige kalenderjaar in die geval van twee of meer kontrakte;

**Ord. No. 18
van 1928.**

Art. 15.

met dien verstande egter dat 'n reg op enige huurkontrak wat verleen is, of besluit is om verleen te word, aan of deur die bestuur, of op enige lening deur die bestuur gesluit, hetsy op sekuriteit of andersins, geen diskwalifikasie kragtens hierdie artikel uitmaak nie.

Verder met dien verstande, dat, as dit die Administrateur, by applikasie deur die Bestuur, blyk dat enige kontrak wat die bestuur verleen het of sal verleen, in die publieke belang gewens is, hy die bepaling van hierdie artikel met betrekking tot bedoelde kontrak kan versag, en daarop sal die verleen van bedoelde kontrak geen diskwalifikasie kragtens hierdie artikel uitmaak nie; en verder met dien verstande dat by applikasie van die bestuur van enige hospitaal anders as 'n hospitaal geklassifiseer deur die Administrateur as 'n sentrale hospitaal of as 'n eerste graads hospitaal die Administrateur mag gelas dat die bepaling van paragraaf (g) van hierdie subartikel nie van toepassing sal wees in die geval van sodanige hospitaal nie.

(2) Onderworpe aan die bepaling van hierdie artikel, kan enige blanke persoon, man of vrou, gekies of benoem word as lid van 'n bestuur.

Ord. No. 18
van 1928.

(3) Van die datum, tyd en plek van elke sodanige vergadering word aan bydraers kennis gegee per pos of deur advertensie in een of ander nuusblad wat plaaslik sirkuleer, of op beide maniere, na gelang die bestuur bepaal.

(4) Die verkiesing deur die bydraers op bedoelde vergadering van lede van 'n bestuur kragtens subartikel (2) (e) van artikel *nege* van hierdie Ordonnansie geskied ooreenkomstig regulasies wat deur die Administrateur gemaak en afgekondig word in die *Offisiële Koerant*.

(5) Elke hospitaalkomitee van 'n ondersteunde hospitaal benoem in die maand Desember een duisend negehonderd en agentwintig uit sodanige bydraers tot bedoelde hospitaal wat bydraers is binne die betekenis van hierdie Ordonnansie, een of meer lede soos vereis word deur die konstitusie van die bestuur, om as verkiesende lid of lede op die bestuur te fungeer tot die eerste jaarlikse algemene vergadering van bydraers kragtens hierdie artikel. As bedoelde komitee in gebreke bly om enige benoeming kragtens hierdie artikel te maak, word bedoelde lid of lede deur die Administrateur benoem.

(6) In die geval van 'n prowinsiale hospitaal benoem die Administrateur in die maand Desember een duisend negehonderd en agentwintig as lede van die bestuur wat ingestel moet word in terme van subartikel (1) van artikel *ag* hiervan, een of meer lede in plek van sodanige lede as wat vereis word deur die konstitusie van die bestuur wat gekies moet word deur bydraers en die aantal lede wat aldus benoem word bly in funksie tot die eerste jaarlikse algemene vergadering van bydraers kragtens hierdie artikel.

Lede kom in aanmerking vir herbenaeming of herverkiesing.

14. Elke lid, tensy sy ampstyd vroeër verstryk in terme van artikel 16 van hierdie Ordonnansie, bly in funksie tot die verkiesing of benoeming van sy opvolger ooreenkomstig hierdie Ordonnansie, maar kom vir herbenaeming of herverkiesing in aanmerking.

Diskwalifikasie van lede.

15. (1) Die volgende persone kom nie in aanmerking om as lede van 'n bestuur gekies of benoem te word of indien gekies of benoem, as sodanig in funksie te bly nie:—

(a) 'n Minderjarige.

(b) Iemand van swakke geesvermoëns, wat deur 'n bevoegde hof as sodanig verklaar is.

beginsels wat ten grondslag lê aan die bepalings van artikel *nege* om bedoelde bestuur te vorm vir die doeleinde van hierdie Ordonnansie en elke aldus genomineerde bestuur is bevoeg en word hiermee vereis om die bevoegdhede en gesag uit te oefen wat kragtens hierdie Ordonnansie verleen is aan die bestuur wat aldus ontbind is, met dien verstande dat elke genomineerde bestuur in funksie bly tot dit by proklamasie van die Administrateur in die *Offisiële Koerant* ontbind is en voor bedoelde ontbinding word 'n bestuur gekies of genomineer op sodanige datum as die Administrateur bekend maak en op 'n wyse soos in hierdie Ordonnansie bepaal is; verder met dien verstande dat die datum also deur die Administrateur bekend gemaak te word sal wees nie later as ses maande na die datum van die proklamasie waarby sodanige bestuur benoem word in terme van hierdie subartikel.

Ord. No. 18
van 1928.

12. (1) Die jaarlikse algemene vergadering van die bestuur word nie later as die vyftiende dag van Maart in elke jaar belê met die doel om

Jaarlikse
algemene
vergadering
van
bestuur.

(a) te ontvang en, indien goedgekeur, aan te neem die jaarverslag, geauditêre rekenings en balansstaat vir die voorafgaande jaar; en

(b) sodanige ander werksaamhede te behandel as wat behandel mag word op 'n jaarlikse algemene vergadering van die bestuur.

(2) Die eerste jaarlikse algemene vergadering van die bestuur word gehou in die jaar negentienhonderd en dertig.

(3) Daar moet sewe dae vooraf kennis gegee word van die plek en dag en uur van bedoelde vergadering.

13. (1) Die jaarlikse, algemene vergadering van bydraers word deur die bestuur belê om plaas te vind na die jaarlikse algemene vergadering van die bestuur, maar nie later as die vyftiende dag van Maart in die jaar een duisend negehonderd en dertig en elke volgende jaar nie, met die doel om die jaarverslag van die bestuur te ontvang en om verkiesbare lede van die bestuur te kies.

Jaarlikse
algemene
vergadering
van bydraers.

(2) Elke sodanige vergadering word gelei deur die voorsitter van die bestuur, of, in sy afwesigheid, deur 'n lid van die bestuur wat die bestuur daartoe aangewys het.

Ord. No. 18
van 1928.

lid vir 'n tydperk van slegs twee jaar en een lid vir 'n tydperk van slegs een jaar;

(e) daar ses lede aldus benoem is bly hulle in funksie gedurende 'n tydperk van drie jaar, uitgenome dat vanaf die aanvang van hierdie Ordonnansie twee lede benoem word vir 'n tydperk van slegs twee jaar en twee vir 'n tydperk van slegs een jaar.

(2) Die lede benoem kragtens die bepalings van paragraaf (d) van subartikkel (2) van artikel nege bly in funksie gedurende 'n tydperk van drie jaar, uitgenome dat vanaf die aanvang van hierdie Ordonnansie een van die lede benoem deur die Stadsraad van Johannesburg en die lid benoem deur die Johannesburgse Kamer van Koophandel, gedurende 'n tydperk van slegs twee jaar, en die lede benoem deur die Raad van die Uniwersiteit van Witwatersrand en deur die Transvaalse Landbou Unie gedurende slegs een jaar in funksie bly.

(3) Wat betref die lede gekies deur bydraers bly dié wat by die eerste verkiesing die grootste aantal stemme behaal, die langste in funksie.

(4) Waar meer as een lid deur enige liggaam benoem word, bepaal bedoelde liggaam watter lede wat aldus benoem is die langste in funksie bly.

(5) Die lede wat in enige jaar moet aftree kragtens die bepalings van hierdie artikel, bly nie in funksie, tensy herbenoem, na die jaarlikse algemene vergadering van die bestuur in daardie jaar, of, wat betref lede gekies deur bydraers, na die jaarlikse algemene vergadering van bydraers nie.

Bevoegdheid van die Administrateur om 'n voorlopige bestuur te benoem.

11. (1) As al die lede van 'n bestuur as sodanig aftree in terme van hierdie Ordonnansie, kan die Administrateur 'n voorlopige bestuur benoem om die werksaamhede van 'n bestuur kragtens hierdie Ordonnansie te verrig tot die benoeming en verkiesing van 'n bestuur soos hierbove bepaal.

(2) As enige bestuur op enige tyd versuim om 'n vergadering te hou gedurende die tyd van negentig dae, kan die Administrateur so 'n bestuur ontbind en by proklamasie in die *Offisiële Koerant* sodanige getal geskikte en behoorlike persone nomineer en benoem as hy uitkies, met behoorlike inagnome van die

bedoelde bestuur—word, onderworpe aan die bepalings van subartikel (6) van artikel *dertien* hiervan, gekies deur die geregistreeerde bydraers uit hulle midde, op die gewone jaarlikse algemene vergadering van bedoelde bydraers, wat gehou word soos hieronder bepaal, mits hulle gedurende die voorafgaande jaar vir elke lid wat aldus gekies is, 'n bedrag gelyk aan 'n halwe persent van die uitgawes van die bestuur bygedra het tot die fonds van die bestuur. As bedoelde bydraers nie in staat is nie, of versuim, of in gebreke bly, of weier om lede kragtens hierdie artikel te kies, is dit wettig vir die orige lede van die bestuur om sodanige persone as lede van die bestuur te kies as wat tesame met enige lid benoem of gekies soos hierbo bepaal is, die lede van die bestuur voltallig maak, met dien verstande, dat bedoelde lede wat deur die orige lede gekies word, as sodanig aftree op die eersvolgende jaarlikse algemene vergadering van bydraers.

Ord. No. 18
van 1928.

10. (1) Wanneer kragtens die bepalings van artikel *nege* hiervan— Aftreding
van Lede.

- (a) die getal persone benoem of gekies deur enige benoemende of kiesende liggaam, hoogstens een bedra, bly bedoelde lid in funksie gedurende een jaar, uitgenome die lid benoem kragtens paragraaf (c) van subartikel (2) van genoemde artikel wat in funksie bly gedurende 'n tydperk van drie jaar;
- (b) daar twee lede aldus benoem of gekies is bly hulle in funksie gedurende 'n tydperk van twee jaar, uitgenome, dat vanaf die aanvang van hierdie Ordonnansie een lid benoem of gekies word vir slegs een jaar;
- (c) daar drie lede aldus benoem of gekies is bly hulle in funksie gedurende 'n tydperk van drie jaar, uitgenome, dat vanaf die aanvang van hierdie Ordonnansie een lid benoem of gekies word vir 'n tydperk van slegs twee jaar en een vir 'n tydperk van slegs een jaar;
- (d) daar vier lede aldus benoem of gekies is bly hulle in funksie gedurende 'n tydperk van vier jaar, uitgesonderd dat vanaf die aanvang van hierdie Ordonnansie een lid benoem of gekies word vir 'n tydperk van slegs drie jaar, een

Ord. No. 18
van 1928.

Art. 9.

bestuur ses of twaalf is, behalwe dat die bestuur van die Johannesburgse Hospitaal uit agtien lede bestaan.

(2) (a) Een derde van die lede van 'n bestuur word deur die Administrateur benoem uit persone wat sodanige kwalifikasies besit as volgens die opinie van die Administrateur nodig of dienstig is in verband met finansies of besigheid of die een of ander vorm van hospitaal-administrasie en werk of wat ervaring het as opgeleide verpleger of verpleegster.

(b) Een sesde van die bestuur word benoem deur die honorêre besoekende dokters, met dien verstande dat, waar daar nie sodanige dokters is nie, bedoelde lede van die bestuur benoem word deur die Administrateur, maar hulle bly nie in funksie gedurende langer as drie jaar of na die benoeming van een of meer van bedoelde dokters nie.

(c) Behoudens wat in die volgende paragraaf bepaal word, word een sesde van die lede van die bestuur benoem deur sodanige publieke liggame as deur die Administrateur goedgekeur word, uit persone gekwalifiseerd en voorgeskryf soos in paragraaf (a) hiervan.

(d) In die geval van die Bestuur van die Johannesburgse Hospitaal, waarop die bepaling van paragraaf (c) hiervan nie van toepassing is nie, word die volgende as lede van bedoelde bestuur benoem, buite en behalwe die lede benoem kragtens paragraawe (a) en (b) hiervan—

- (i) twee lede benoem deur die Stadsraad van Johannesburg, met dien verstande dat bedoelde lede geen raadslede hoef te wees nie;
- (ii) een lid benoem deur die Transvaalse Kamer van Mynwese;
- (iii) een lid benoem deur die Johannesburgse Kamer van Koophandel;
- (iv) een lid benoem deur die Raad van die Universiteit van Witwatersrand;
- (v) een lid benoem deur die Transvaalse Landbou Unie;

met dien verstande dat, as enige sodanige liggame weier of in gebreke bly om kragtens hierdie artikel 'n benoeming te maak, die Administrateur bedoelde benoeming maak.

(e) Een derde van die lede van 'n bestuur— en in die geval van die bestuur van die Johannesburgse Hospitaal een sesde van die lede van

Ord. No. 18
van 1928.

- sake of dinge wat nodig mag wees in verband met enige sodanige oordrag;
- (c) in die geval van 'n hospitaal of 'n gedeelte van 'n hospitaal waarvoor geen bestuur ingestel is kragtens hierdie artikel nie, na oorleg met die beherende liggaam of komitee daarvan, sodanige hospitaal of 'n gedeelte van 'n hospitaal onder die kontrole en beheer stel van 'n bestuur wat aldus ingestel is.
- (d) in die geval van enige hospitaal geleë buite die grense van 'n munisipaliteit vir die beheer en bestuur waarvan by hom 'n applikasie gemaak is vir die instelling van 'n bestuur kragtens hierdie klousule, en nadat bedoelde applikasie na die raad verwys is, 'n bestuur vir sodanige hospitaal instel op sodanige manier as hy raadsaam ag en kan in sodanige proklamasie die samestelling, die getal lede en die kwalifikasies vir lidmaatskap voorskrywe, en die bepalings van artikels *nege* tot en met *sewentien* van hierdie Ordonnansie sal nie van toepassing wees op enige bestuur ingestel in terme van hierdie paragraaf nie.

(3) Elke bestuur ingestel soos voormeld is onder die naam van die Hospitaalbestuur vanelk en onderskeidelik 'n ingekorporeerde liggaam met ewigdurende opvolging en is onder die naam regtens in staat om geregtelik te vervolg of geregtelik vervolgt te word, om eiendom en vervreembare land te koop, en oor die algemeen sodanige dae en dinge te doen as ingekorporeerde liggeme regtens mag doen en verrig, onderworpe aan die bepalings van hierdie Ordonnansie en enige ander wet.

(4) Elke sodanige bestuur kan geregtelik vervolgt en geregtelik vervolgt word in die naam van die persoon wat op daardie tyd voorsitter van die bestuur is.

(5) Die lede van elke hospitaalkomitee wat aldus ingestel is as 'n bestuur, sal as sodanig aftree by die aanvang van hierdie Ordonnansie.

9. (1) Die Administrateur kan van tyd tot tyd die getal lede van enige bestuur vermeerder of verminder en elke sodanige vermeerdering of vermindering word by proklamasie in die *Offisiële Koerant* bekend gemaak, met dien verstande dat die getal lede vir enige

Benoeming
van
Lede.

Ord. No. 18
van 1928.

HOOFSTUK II.

Samestelling en Inkorporasie.

Voorlopige
hospitaal-
komitees.

6. (1) Die Administrateur kan van tyd tot tyd 'n voorlopige hospitaalkomitee instel vir enige gebied waar volgens sy oortuiging geen toereikende hospitaal-fasiliteite bestaan nie.

(2) Dit is die plig van so'n komitee wanneer dit ingestel is om die Administrateur sodanige inligtings te gee as hy van tyd tot tyd mag nodig hê om die hospitaal-vereistes in so'n gebied uit te vind en in hoever die bewoners daarvan bereid is om finansiële of ander ondersteuning te verleen tot die koste om aan bedoelde vereistes te voldoen.

(3) As die Administrateur daartoe magtiging verleen het kan die voorlopige hospitaalkomitee benoem kragtens subartikel (1) hiervan, fondse insamel tot die stigting van 'n hospitaal vir bedoelde gebied en kan waarborge verkry vir die verskaffing van bedoelde fondse.

Bevoegdheid
van die
Admini-
strateur om
magtiging
te verleen
vir die
stigting van
'n hospitaal.

7. As die Administrateur oortuig is dat 'n hospitaal vereis word vir enige gebied wat nie voldoende gebaat kan word deur 'n bestaande publieke hospitaal nie en dat die bewoners van so'n gebied in staat en bereid is om sodanige finansiële voorsiening te maak as hy voldoende ag tot die koste van stigting en onderhoud van sodanige hospitaal, kan hy magtiging verleen vir die stigting van 'n hospitaal vir bedoelde gebied en stel hy daarvoor 'n bestuur same kragtens die bepalings van hierdie Ordonnansie.

Instelling
van
besture.

8. (1) Die hospitaalkomitee genoem in die eerste bylae van hierdie Ordonnansie word en is hiermee ingestel as besture vir die beheer in elke geval van die hospitaal of groep hospitale wat by die aanvang van hierdie Ordonnansie deur bedoelde komitees beheer word.

(2) Die Administrateur kan van tyd tot tyd by proklamasie in die offisiële koerant

(a) 'n bestuur samestel vir enige hospitaal en kan so'n bestuur 'n naam gee;

(b) enige hospitaal of hospitale oordra van die beheer van 'n bestuur wat die beheer oor 'n groep hospitale het, na die kontrole en beheer van 'n ander bestuur of daarvoor 'n afsonderlike bestuur instel en aan bedoelde bestuur 'n naam gee en enige aanwysings gee betreffende enige

in, of kennis van, die een of ander spesiale vorm van hospitaal-administrasie of van finansiële beheer met die doel om die Administrateur van advies te dien oor sake deur hom na die raad verwys in verband met die toepassing van hierdie Ordonnansie.

Ord. No. 18
van 1928.

—
Art. 4.

(2) Minstens een, en hoogstens twee, lede van die raad moet geregistreerde geneeskundiges wees en hoogstens twee lede sal lede van die staatsdiens wees.

(3) 'n Vergadering van die raad word van tyd tot tyd op sodanige datum, tyd en plaas belê as die Administrateur bepaal.

(4) Aan die lede van die raad word sodanige fooi betaal vir elke dag van aanwesigheid op sodanige vergadering as die Administrateur goedkeur.

(5) Die lede van die raad bly in funksie gedurende 'n tydperk van drie jaar, maar kom vir herbenoeming in aanmerking.

(6) As 'n toevallige vakature ontstaan in die raad dan kan die Administrateur iemand anders as lid van die raad benoem gedurende die onverstreke ampstyd van sy voorganger.

(7) Die Administrateur kan enige persoon in diens van die Administrasie as Sekretaris van die Raad benoem.

5. (1) So gou moontlik na die aanvang van hierdie Ordonnansie, of in die geval van 'n nuwe publieke hospitaal, so gou moontlik na die stigting daarvan, sal die Administrateur ieder publieke hospitaal vir die doeleindes van hierdie Ordonnansie klassifiseer as 'n:

Klassifikasie
van
hospitale.

- (a) Sentrale Hospitaal;
- (b) Eerstegraads Hospitaal;
- (c) Twedegraads Hospitaal;
- (d) Eersteklas Oorgangshospitaal; of
- (e) Twedeklas Oorgangshospitaal;

en sal bedoelde klassifikasie bekendmaak deur kennisgewing in die *Offisiële Koerant*.

(2) Die Administrateur kan van tyd tot tyd na oorleg met die bestuur, en na verwysing na die raad, die klassifikasie van enige publieke hospitaal verander en elke sodanige verandering word op dieselfde wyse soos voormeld gepubliseer.

Ord. No. 18
van 1928.

van 'n inrigting wat spesiaal bestem is vir die verskaffing van geneeskundige en heelkundige behandeling maar beheer word as gedeelte van 'n inrigting wat vir sodanige doel bestem is en sluit verder in enige ander inrigting verbonde aan, of tot hulp van 'n hospitaal, ongeag of dit binne of buite die grense daarvan geleë is.

“ Hospitaalkomitee,” enige bestuur of komitee van beheer van enige Prowinsiale hospitaal of ondersteunde hospitaal.

“ Hulp binnenshuis,” hulp verleen aan enige persoon binne die gebied van 'n publieke hospitaal.

“ Plaaslike bestuur,” enige stadsraad of dorpsraad ingestel kragtens die Plaaslik Bestuur Ordonnansie, 1926, of enige wysiging daarvan.

“ Munisipaliteit,” die gebied of distrik gestel onder die beheer en regsmag van 'n plaaslike bestuur.

“ Pensioene-Ordonnansies,” die Transvaalse Hospitaalverpleegsters Pensioeneordonnansie 1919 en enige wysiging daarvan, en die Transvaalse Hospitaal- en Skoolraadbeampies Pensioene-Ordonnansie, 1927, en enige wysiging daarvan.

“ Prowinsiale hospitaal,” 'n hospitaal in stand gehou deur die Administrasie uit die Prowinsiale inkomste voor die aanvang van hierdie Ordonnansie.

“ Publieke hospitaal,” 'n hospitaal of gedeelte van 'n hospitaal of groep hospitale wat geplaas is onder die kontrole en beheer van 'n bestuur.

“ Hulp ” sluit in onderhoud en elke vorm van geneeskundige of heelkundige hulp of verpleging verskaf deur 'n bestuur in die uitoefening van sy bevoegdheid aan enige persoon in verband met enige publieke hospitaal.

Uitsonderinge.

3. (1) Die bepalinge van hierdie Ordonnansie is nie van toepassing op enige hospitaal direk gekontroleer of onderhou deur die Unieregering of deur 'n Plaaslike Bestuur nie.

Adviserende Raad.

4. (1) So gou moontlik na die promulgasie van hierdie Ordonnansie, benoem die Administrateur 'n Adviserende Raad bestaande uit 'n voorsitter en nie minder as twee, en nie meer as vier andere lede nie, wat alger ervaring het

- “Ondersteunde hospitaal,” ’n hospitaal wat subsidies ontvang het van die Administrasie voor die aanvang van hierdie Ordonnansie.
- “Bestuur,” ’n hospitaalbestuur ingestel kragtens artikel *ag* van hierdie Ordonnansie.
- “Aanvang van hierdie Ordonnansie,” die datum waarop hierdie Ordonnansie in werking getree het.
- “Bydraer,” ten opsigte van ’n vergadering van bydraers tot enige publieke hospitaal, enige persoon wat op enige tyd in een skenking ’n som van minstens tien pond bygedra het tot die fonds van die bestuur van sodanige publieke hospitaal of van enige hospitaalkomitee wat op enige tyd so’n hospitaal beheer het, of wat gedurende die kalenderjaar aan so’n vergadering voorafgaande, ’n subskripsie van minstens een pond in die geval van publieke hospitale geklassifiseer deur die Administrateur as sentrale of eerste graads hospitale; en in die geval van enige andere publieke hospitale tien sielings betaal het aan die fondse van die bestuur van sodanige publieke hospitaal, hetsy bedoelde subskripsie deur homself bygedra of uit andere bronne gekollekteer is.
- “Raad,” die adviserende raad benoem kragtens artikel *vier* hiervan.
- “*Offisiële Koerant*,” die offisiële koerante van die Provinsie Transvaal.
- “Honorêre Besoekende Dokter” beteken ’n geregistreerde genees- of tandheerkundige, wat, onderworpe aan die goedkeuring van ’n bestuur, enige genees- of tandheerkundige betrekking by ’n publieke hospitaal beklee en geen salaris, fooie of ander betaling van bedoelde bestuur ontvang vir die professionele dienste deur hom verleen in verband met sodanige betrekking nie.
- “Hospitaal,” enige instelling, perseel of plek waar aan persone geneeskundige of heelkundige hulp en genesende behandeling verleen word en sluit in of ’n herstellingsoord, of ’n kraaminrigting, of ’n inrigting vir die verpleging van persone wat sodanige behandeling nodig het buite die grense

Ord. No. 18
van 1928.

—
Art. 2

**Ord. No. 17
van 1928.**

By die metode van konstruksie beskrywe as deurdringing moet die oppervlakte bestaan uit gebroke klippe waaroor, nadat hulle versprei is oor die fondament van die pad verhitte aardpik of asfalt moet gegiet of aangebring word ooreenkomstig spesifikasies wat goedgekeur sal word.

By die metode van konstruksie beskrywe as "verhitte mengsel" sal die oppervlakte bestaan uit gebroke klip wat, voor dit oor die fondament van die pad versprei word, vermeng is met verhitte aardpik of asfalt ooreenkomstig spesifikasies wat goedgekeur sal word. Nadat die aldus toebeide klip versprei is oor die fondament van die pad, sal verhitte aardpik of asfalt daaroor gegiet of aangebring word ooreenkomstig spesifikasies wat goedgekeur sal word.

**Ord. No. 18
van 1928.**

'N ORDONNANSIE

Om voorsiening te maak vir die stigting, onderhoud en bestuur van Publieke Hospitale.

(Goedgekeur 2 Augustus 1928.)

(Datum van inwerkingtreding, 1 Januarie 1929.)*

(Engelse kopie deur Goewerneur-Generaal geteken.)

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

HOOFSTUK I.

Inleiding.

Aanvang
van
Ordonnansie.

1. Hierdie Ordonnansie tree in werking op die eerste dag van Januarie, negentienhonderd negen-en-twintig, behalwe dat al die verkiesings, benoemings, proklamasies, kennisgewings of regulasies, vereis of gemagtig deur hierdie Ordonnansie, gehou, gemaak of uitgevaardig mag word op enige tyd na die afkondiging hiervan vir sover as dit nodig of dienstig mag wees met die doel om hierdie Ordonnansie in werking te stel.

Omskrywings.

2. As dit nie in stryd met die samehang daarvan is nie beteken in hierdie Ordonnansie:—

“Administrasie,” die Transvaalse Prowinsiale Administrasie.

“Administrateur,” die amptenaar benoem kragtens subartikel (1) van artikel *ag-en-sestig* van die Suid-Afrika Wet, 1909, of enige wysiging daarvan, wat handel op advies en met konsent van die Uitvoerende Komitee van die Prowinsie.

* Artikel 1.

Twede Bylae.

SKEDULE VAN GERAAMDE KOSTE.

1.	2.	3.	4.	5.	6.	7.	
	Wyse van Konstruksie.	Lengte. (Myle.)	Breedte. (Voete.)	Gebied. (Vk. Jrts.)	Geraamde Koste per Vk. Jrt.	Koste van Konstruksie.	Jaarlikse Onderhoud met inbegrip van Buiswerings, Afvoerslote, Duikers, ens., teen 2d. per Vk. Jrt. per Jaar.
Driemyl-paal, Wes-Rand na Prince's Avenue, Benoni (Wes-End).....	Verhitte mengsel.	21	27	332,640	s. d. 8 9	£ 145,530	£ 2,770
Randfontein Stadsgebied (Noord-Oostelike End) na Driemyl-paal (Wes-Rand), en van Wes-End van Prince's Avenue, Benoni, na Geduld Stadsgebied uitlopende in 'n punt naby die Agentwintig-myl-paal.....	Deurdringing.	35	21	431,200	0 10	147,327	3,590
TOTAAL.....	—	56	—	763,840	—	292,857	6,360

Ord. No. 17 Herroeping. **20.** Artikels *drie-en-veertig*, *vier-en-veertig* van 1928. en *ses-en-veertig* van die Plaaslike Besture Weë-Ordonnansie No. 44 van 1904 word en is hiermee herroep.

Korte tiétel. **21.** Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Hoofrif Pad Ordonnansie, 1928, en sal in werking tree op 'n datum wat die Administrateur sal vasstel deur Proklamasie in die *Provinsiale Koerant*.

Eerste Bylae.

OMSKRYWING VAN DIE HOOFRIFPAD.

Beginnende by Sesdestraat van die Randfontein-dorpsgebied oor die plase Randfontein No. 3, Uitvalfontein No. 2, Rietvallei No. 113 en Luipaardsvlei No. 8 tot Monumentstraat, Krugersdorp—L.G. diagram A.2399/09; daarna deur die dorp Krugersdorp langs Monumentstraat, Commissionerstraat en Coronation Road; daarna soos per L.G. diagram No. A.2399/09 oor die plase Paardeplaats No. 72, Luipaardsvlei No. 8, Mooigelegen No. 92, Witpoortjie No. 44; daarna oor Roodepoort No. 43, deur die dorp Roodepoort langs die Grootpad en Dumatstraat; daarna na die oostelike grens van Roodepoort No. 43 soos omskrywe deur nie-goedgekeurde diagram L.G. No. A.2324/17; daarna volgens diagram L.G. No. A.4235/10 oor die plase Vogelstruisfontein No. 62, Paardekraal No. 42 en Langlaagte No. 13 na pen en M.R.R. No. 28 soos per diagram L.G. No. A.4236/10; daarna soos per diagram L.G. No. A.4237/10 oor die plase Langlaagte No. 13 en Turffontein No. 21 na M.R.R. No. 1 op Commissionerstraat, Johannesburg; daarna deur die stad Johannesburg en voorstede langs Commissionerstraat, Bettystraat, Marshallstraat en Maddisonstraat na pen M.R.R. No. 3; daarna soos per diagram No. 5364/10 oor die plaas Doornfontein No. 24 na pen M.R.R. No. 34; daarna deur Elandsfontein No. 11 soos per diagram L.G. No. A.8365/10 na pen en M.R.R. E.; No. 62½ daarna deur Driefontein No. 12 Driefontein No. 1 na Cason Road, Boksburg Noord, soos per diagram No. L.G. A.5366/10; daarna langs Cason Road deur die dorpsgebied Boksburg, uit die Cason Road en gaande oor Klipfontein No. 6 soos per diagram L.G. No. A.2865/10 nie goedgekeur nie; daarna oor Kleinfontein No. 2 na Market Avenue, Benoni, en langs Market Avenue, Benoni, oor die plase Kleinfontein No. 2, Benoni No. 3 en Modderfontein No. 6 soos per diagram L.G. No. A.1214/13; daarna oor die plaas Geduld No. 4 na die stadgebied Geduld soos per diagram L.G. No. A.760/13.

16. (1) Die Administrasie sal verantwoordelik wees vir die aanbring en onderhoud van alle stormwater afvoer binne die grense van die pad tenopsigte van sodanige gedeelte van die pad wat gaan deur gebiede uitgenome dorpsgebiede; mits dat die plek vir en konstruksie van enige duiker wat water afvoer van die pad ander as 'n duiker of waterleiding wat bestaan op die datum van die inwerkingtreding van hierdie Ordonnansie onderwerp sal wees aan die instemming van die plaaslike outoriteit in wie se jurisdiksiegebied sulke duiker of waterleiding aangelê word.

Stormwater
Afvoer.

Ord. No. 17
van 1928.

(2) 'n Plaaslike bestuur sal verantwoordelik wees vir die aanbring en onderhoud van alle stormwater afvoerslote binne die grense van die pad ten opsigte van sodanige gedeelte of gedeeltes van die pad wat gaan deur dorpsgebiede binne die regsgebied van bedoelde plaaslike bestuur.

(3) Enige koste gemaak in terme van subartikels (1) en (2) van hierdie artikel in verband met die aanbring en onderhoud van stormwater-afvoerslote, sal geag word uitgawes te wees in verband met respektieflik die ombou en onderhoud van die gedeelte of gedeeltes van die betrokke pad.

17. 'n Plaaslike bestuur sal verantwoordelik wees vir die afvoer van alle stormwater wat uit die pad stroom op enige punt binne sy regsgebied, en vir enige koste gemaak in verband met sodanige afvoer.

Afvoer van
Stormwater.

18. Die bydraes verskuldig deur 'n plaaslike bestuur in terme van artikel *ag* van hierdie Ordonnansie sal 'n skuld wees wat betaal moet word aan die Administrateur, en hy kan die plaaslike bestuur daarvoor in regte aanspreek in enige hof van bevoegde regsmag wanneer die betaalbaar is. Bedoelde bydraes sal op vordering betaalbaar wees en sal in enige geval betaal word nie later as een maand nadat sodanige vordering gestel is nie.

Bydraes deur
plaaslike
besture sal 'n
skuld wees
wat aan die
Administrateur
betaal
moet word.

19. Artikel *twee-en-sestig* van die Plaaslike Bestuur Ordonnansie 1926, word en is hiermee gewysig deur daarin te skrap die woorde:—

Wysiging
van artikel
62 van die
Plaaslike
Bestuur Or-
donnansie
1926.

“ Mits dat niks hierin vervat enige van die Munisipaliteite waardeur die hoofrieffeg loop aanspreeklik sal stel vir sy aanleg of onderhoud nie.”

Ord. No. 17
van 1928.

bedra as 'n bedrag bereken ooreenkomstig die tariewe aangegee in genoemde bylae vir die wyse van aanleg van toepassing op sodanige gedeelte of gedeeltes nie.

Onderhouds-
toelaes aan
plaaslike
besture.

14. (1) Die Administrateur sal toelaes verleen aan plaaslike besture bereken teen twee dubbeltjies per vierkante jaart per jaar ten opsigte van die gedeelte of gedeeltes van die pad wat gaan deur dorpsgebiede binne hulle respektiewe regsgebiede en sodanige toelaes sal bestee word aan die onderhoud van sodanige gedeelte of gedeeltes van die pad en vir geen ander doel nie, met dien verstande dat 'n plaaslike bestuur nie vereis sal word om die gehele of enige gedeelte van sodanige toelaes te bestee binne die finansiële jaar waarin hulle verleen word nie, en verder met dien verstande dat, wanneer 'n plaaslike bestuur nie die gehele of enige gedeelte van sodanige toelaes uitgee binne bogenoemde finansiële jaar nie, die Administrateur van die plaaslike bestuur kan eis om sodanige werk aan die onderhoud van enige sodanige gedeelte of gedeeltes van die pad, soos hierboue vermeld, te onderneem wat hy nodig mag ag, totaan die grense van die bedrag van die toelae of toelaes wat bedoelde plaaslike bestuur beskikbaar mag hê. Sodanige toelaes sal vir die doeleindes van artiekels *ag* en *nege* van hierdie Ordonnansie geag word uitgawes te wees vir die onderhoud van die pad gedurende die finansiële jaar waarin hulle deur die Administrateur verleen word.

(2) Vir die doeleindes om die toelaes betaalbaar kragtens hierdie artikel vas te stel, sal die breedte van die gedeelte of gedeeltes van die betrokke pad geag word die breedte te wees aangegee in die tweede bylae van hierdie Ordonnansie as toepaslik op sodanige gedeelte of gedeeltes in elke geval.

Oorgangs-
bepaling.

15. In afwagting van die ombou van enige gedeelte van die pad wat gaan deur 'n gebied wat geen dorpsgebied is nie, sal die Administrasie vir so ver die finansies dit toelaat, verantwoordelik wees vir die onderhoud van sulke gedeelte en die koste van sulk onderhoud sal belas word op die Prowinsiale Inkomstefonds nieteenstaande enigiets daarmee in stryd in hierdie Ordonnansie.

11. 'n Plaaslike bestuur wat wens om enige gedeelte of gedeeltes van die pad wat gaan deur 'n stadsgebied binne sy regsgebied, om te bou, moet applikasie maak by die Administrateur vir magtiging om met sodanige werk van ombou aan te gaan, en moet sodanige inligtings verskaf as hy mag nodig hê betreffende die aard van die voorgenome werk en die manier waarop dit uitgevoer sal word. Bedoelde plaaslike bestuur sal nie met sodanige werk aangaan voor dit die magtiging van die Administrateur daartoe ontvang het nie.

Administrateur se magtiging vir ombou in stadsgebiede word vereis.

Ord. No. 17 van 1928.

12. In enige geval waar volgens die opinie van die Administrateur die ombou van enige gedeelte van die pad binne enige stadsgebied nodig is, sal die plaaslike bestuur in wie se regsgebied sodanige gedeelte geleë is, as die Administrateur dit verlang, sodanige gedeelte ombou op die wyse voorgeskryf in die tweede bylae by hierdie Ordonnansie.

Bevoegdheid van die Administrateur ten opsigte van ombou in sekere omstandighede.

13. Wanneer 'n plaaslike bestuur enige koste gemaak het vir die ombou van 'n gedeelte of gedeeltes van die pad wat gaan deur 'n dorpsgebied binne sy regsgebied, sal die Administrateur sodanige koste aan bedoelde plaaslike bestuur terugbetaal uit die fondse genoem in subartikel (2) van artikel *ses* hiervan, na oorlegging deur bedoelde plaaslike bestuur van die nodige kwitansies en bewyse ten opsigte van sodanige koste en van 'n sertifikaat geteken deur 'n amptenaar wat die Administrateur behoorlik vir die doel benoem het, waaruit blyk dat die werk bevredigend verrig is, met dien verstande dat:—

Terugbetaalings aan plaaslike besture.

- (1) Telkens wanneer die betrokke gedeelte of gedeeltes her-aangelê is volgens 'n wyse van aanleg wat deur die Administrateur goedgekeur is in terme van subartikel (5) van artikel *ses* hiervan, die bedrag van sodanige terugbetaling nie meer sal bedra as die bedrag wat van te vore ooreengekom is tussen die Administrateur en die betrokke plaaslike bestuur as die koste van ombou van sodanige gedeelte of gedeeltes ooreenkomstig die wyse aangegee in die tweede bylae van hierdie Ordonnansie as van toepassing op sodanige gedeelte of gedeeltes.

- (2) Geen terugbetaling gemaak kragtens hierdie artikel in enige geval meer sal

Ord. No. 17
van 1928.

van die pad wat binne sy regsgebied val, en sodanige koste word bereken op die basis van die gemiddelde koste van ombou van die pad langs sy gehele lengte.

(3) Waar enige plaaslike bestuur (hieronder die nuwe plaaslike bestuur genoem) hierna ingestel word vir enige gebied wat afgesny is van 'n munisipaliteit (waarvan dit 'n oorspronklike deel uitgemaak het) onder 'n plaaslike bestuur wat bestaan het op die datum waarop hierdie Ordonnansie (hieronder die oorspronklike plaaslike bestuur genoem) in werking getree het, sal die bydraes betaalbaar deur die nuwe plaaslike bestuur en deur die oorspronklike bestuur tot aan die end van die finansiële jaar wat volg op dié waarin die nuwe plaaslike bestuur as sodanig ingestel is, vasgestel word deur die Administrateur, wat by so 'n vasstelling soveel moontlik die beginsel sal toepas wat tot grondslag lê aan subartikel (2) hiervan, met dien verstande, dat die bydraes betaalbaar vir enige finansiële jaar deur die nuwe plaaslike bestuur en die oorspronklike plaaslike bestuur tesaam geneem, nie meer sal bedra as die bydrae wat betaalbaar sou gewees het deur die oorspronklike plaaslike bestuur vir bedoelde finansiële jaar in terme van subartikel (2) hiervan as die nuwe plaaslike bestuur nie aldus ingestel was nie.

Verder koste op rekening van die Prowinsiale inkomstefonds.

9. Die verskil tussen die totale koste gemaak gedurende enige finansiële jaar ten opsigte van—

(a) rente en aflossingskoste op die lening of lenings wat gesluit sal word in terme van subartikel (2) van artikel ses hiervan; en

(b) die onderhoud van die pad;

en die bydraes betaalbaar deur die plaaslike besture in terme van die vorige artikel, sal in rekening gebring word teen die Prowinsiale Inkomstefonds.

Verantwoordelikheid vir die uitvoering van die werk.

10. (1) Die werk van ombou en onderhoud van sodanige gedeelte of gedeeltes van die pad wat deur stadsgebiede gaan, sal in elke geval uitgevoer word deur die plaaslike bestuur in wie se regsgebied bedoelde stadsgebied geleë is.

(2) Die werk van ombou en onderhoud van die pad, uitgenome van sodanige gedeelte of gedeeltes daarvan wat genoem word in subartikel (1) hiervan, sal, onderworpe aan die bepalinge van artikel *sewentien* hiervan, uitgevoer word deur die Administrasie.

7. Die gelde wat verskaf moet word tot dekking van—

- (i) rente en aflossingskoste op die lenings wat gesluit sal word in terme van subartikel (2) van artikel *ses* hiervan;
- (ii) uitgawes aan die onderhoud van die pad;

sal in rekening gebring word teen die Prowinsiale Inkomstefonds en die inkomste van die plaaslike besture deur wie se regsgebiede die pad gaan, op die manier soos hieronder voorgeskryf is.

Benodigde gelde moet in rekening gebring word teen die Prowinsiale Inkomstefonds en inkomste van plaaslike besture.

Ord. No. 17 van 1928.

8. (1) Behoudens soos bepaal is in artikel *vyftien* hiervan, sal die plaaslike besture deur wie se regsgebiede die pad gaan, onderworpe aan die bepalinge van subartikel (2) hiervan, gemeenskaplik vyftig persent bydra van—

- (i) die rente en aflossingskoste op die lening of lenings wat gesluit sal word in terme van subartikel (2) van artikel *ses* hiervan;
- (ii) die koste gemaak vir die onderhoud van die pad.

(2) Die bydraes betaalbaar deur die verskillende plaaslike besture vir enige finansiële jaar ten opsigte van—

- (i) die rente en aflossingskoste op bogenoemde lening of lenings;
- (ii) die koste gemaak vir die onderhoud van die pad, uitgenome koste gemaak in terme van artikel *vyftien* hiervan;

sal, onderworpe aan die bepalinge van subartikel (3) hiervan, sodanig bereken word om eweredig te wees met die inkomste ontvang deur bedoelde plaaslike besture gedurende die twaalf maande geëindig die dertiende dag van Junie voor die laaste dag van sodanige finansiële jaar ten opsigte van—

- (a) belasting gehef in terme van die Plaaslike Bestuur Belastinge Ordonnansie, 1912, en enige wysiging daarvan, op belasbare eiendom binne 'n myngebied soos omskrywe deur hierdie Ordonnansie;
- (b) lisensiefooi gehef kragtens enige wet ten opsigte van moterrytuie en alle ander rytuie;

met dien verstande dat geen plaaslike bestuur vereis sal word om ten opsigte van sodanige bogenoemde koste by te dra meer as die rente en aflossingskoste op 'n bedrag verteenwoordigende die koste van ombou van die gedeelte

Bydraes deur plaaslike besture.

Ord. No. 17
van 1928.

Administrasie
se verantwoordlikheid
ten opsigte
van die pad
buite 'n
dorpsgebied.

5. Ongeag die teengestelde in enige wet sal die Administrasie, onderworpe aan die bepalings van hierdie Ordonnansie en vir sover as die geldmiddele dit toelaat, verantwoordelik wees vir die werk van die ombou en onderhoud van die pad, uitgenome sodanige gedeelte of gedeeltes van die pad wat deur 'n dorpsgebied gaan, maar sal nie verantwoordelik wees vir die afvoer van die stormwater wat uit die pad stroom op enige punt binne die gebied onder die regsmag van 'n plaaslike bestuur nie.

Ombou van
die pad, wyse
en koste daar-
van.

6. (1) Die werk van die ombou van die pad sal onderneem word so gou as die beskikbare fondse dit toelaat en, behoudens soos hieronder bepaal word, op so 'n wyse soos vasgestel word in die tweede bylae van hierdie Ordonnansie.

(2) Die koste van bedoelde werk sal bestry word uit fondse wat verskaf word uit 'n lening of lenings wat die Administrateur sal sluit, met dien verstande dat die tydperk van terugbetaling van enige sodanige lening of lenings nie meer as twaalf jaar sal bedra nie.

(3) Die koste van bedoelde werk en van die onderhoud van die pad na die ombou sal, uitgesonderd vir sover as dit moontlik mag wees om te besuinig, so na moontlik wees aan dié vasgestel in bedoelde bylae.

(4) Die Administrateur kan, alleen vir eksperimentele doeleindes, bepaal, dat enige gedeelte of gedeeltes van die pad buite die grense van 'n dorpsgebied soos deur hom vasgestel word, omgebou word op sodanige wyse as hy mag bepaal anders as die vermeld in die tweede skedule as toepaslik op sulke gedeelte of gedeeltes.

(5) Onderworpe aan die goedkeuring van die Administrateur kan enige plaaslike bestuur by die ombou van enige gedeelte of gedeeltes van die pad wat deur 'n dorpsgebied gaan binne sy regsgebied, enige ander wyse van aanleg gebruik wat beter is as dié vasgestel in bedoelde bylae, soos van toepassing op bedoelde gedeelte of gedeeltes.

(6) Ongeag enige tegestrydige bepaling in enige wet kan die Administrasie op alle tye wat dit goeddink, enige gedeelte of gedeeltes van die pad, vir die ombou en onderhoud waarvan dit verantwoordelik is in terme van artikel vyf hiervan, tydelik sluit vir enige bepaalde klas van verkeer of tydelik vir alle verkeer, of tydelik enige sodanige gedeelte of gedeeltes verlê, met die doel om herstellings uit te voer of vir enige ander doeleinde.

Ord. No. 17
van 1928.

“ Administrateur ” beteken die amptenaar benoem kragtens subartikel (1) van artikel *ag-en-sestig* van die Suid-Afrika Wet, 1908, en enige wysiging daarvan wat handel op die advies en met toestemming van die Uitvoerende Komitee van die Provinsie.

“ Finansiële Jaar ” beteken die twaalf maande tot en met die een-en-dertigste dag van Maart in elke kalenderjaar.

“ Plaaslike Bestuur ” beteken 'n stadsraad of Dorpsraad of 'n Gesondheidskomitee wat ingestel is of hierna ingestel word kragtens die Plaaslike Bestuur Ordonnansie, 1926, wat 'n geïnkorporeerde liggaam is.

“ Myng gebied ” beteken en sluit in land en die vruggebruik daarvan binne publieke delwerye en velde geproklameer kragtens enige wet wat betrekking het op die ontginning van edele en onedele metale ander as grond in 'n wettig gevestigde dorp.

“ Die pad ” beteken die Hoofrifpad genoem in artikel *twee* van hierdie Ordonnansie.

“ Dorpsgebied, ” enige gebied wat verklaar is as 'n dorpsgebied kragtens artikel *vier* van hierdie Ordonnansie.

2. Die pad omskrywe in die eerste skedule by hierdie Ordonnansie word en is hiermee ingestel as 'n publieke pad in terme van die Plaaslike Besture Wege Ordonnansie, 1904.

Die Hoofrifpad, ingestel as 'n publieke pad.

3. Sodanige gedeelte van die pad wat deur die gebied van enige Plaaslike Bestuur gaan sal by sodanige bestuur berus op dieselfde manier en onderworpe aan dieselfde bepalinge en voorwaardes wat voorgeskryf word in artikel *twee-en-sestig* van die Plaaslike Bestuur Ordonnansie, 1926, met dien verstande, dat die bevoegdheids aan bedoelde plaaslike bestuur deur genoemde Ordonnansie verleen om paaie te maak, aan te lê en te onderhou ten opsigte van die pad onderworpe sal wees aan die bepalinge van hierdie Ordonnansie.

Berusting van die Pad.

4. Die Administrateur kan van tyd tot tyd na oorleg met die betrokke plaaslike outoriteit Dorpsgebiede. vir proklamasie in die *Provinsiale Offisiële Koerant* enige gebied as 'n dorpsgebied verklaar vir die doel van hierdie Ordonnansie.

Ord. No. 16
van 1928.

'N ORDONNANSIE

Tot verdere wysiging van die Onderwyswet 1907 in sekere opsigte.

(Goedgekeur 18 Julie 1928.)

(Datum van inwerkingtree, 25 Julie 1928.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

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

Wysiging van artikel 77 van Wet No. 25 van 1907.

1. Artikel sewen-en-sewentig van die Onderwyswet No. 25 van 1907 word en is hiermee gewysig deur die byvoeging van die volgende woorde:—

“ met dien verstande dat in het geval van een onderwyser die verplaatst word in termen van subartikel (3) van artikel acht en zeventig (zoals gewijzigd door artikel tien van Ordonantie No. 7 van 1912) bedoelde onderwyser, tenzij de Administrateur anders bepaalt, het salaris en de salarisschaal zal behouden betaalbaar ten opzichte van de post waarvan hij verplaatst is.”

Korte tiitel.

2. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Onderwyswet Verdere Wysigingsordonnansie, 1928.

Ord. No. 17
van 1928.

'N ORDONNANSIE

Tot omskrywing van die Hoofrifpad en om Voorsiening te maak vir die ombou en onderhoud daarvan.

(Goedgekeur 2 Augustus 1928.)

(Datum van inwerkingtree, 1 September 1928.)*

(Engelse kopie deur Goewerneur-Generaal geteken.)

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

Definiesies.

1. Tensy enige ander betekenis duidelik bedoel word sal in hierdie Ordonnansie:—

“ Administrasie ” beteken Transvaalse Prowinsiale Administrasie.

* Proklamasie No. 66, Prowinsiale Koerant gedateer 22 Augustus 1928, bl. 215.

PRIVATE ORDONNASIE

**Om Johannesburg in staat te stel om 'n Stad ("City")
genoem te word en om die titel van die Raad van die
Munisipaliteit van Johannesburg te verander.**

(Goedgekeur 14 Julie 1928.)

(Datum van inwerkingtree, 5 September 1928.)*

(Engelse kopie deur Goewerneur-Generaal geteken.)

NADEMAAL dit wenslik is, in die belang van die inwoners van Johannesburg, om die Stad ("Town") Johannesburg te verklaar 'n Stad ("City") te wees en die naam van die Raad van die Munisipaliteit van Johannesburg te verander van die "Stadsraad van Johannesburg" in die "Stadsraad (City Council) van Johannesburg";

SY DIT BEPAAL deur die Prowinsiale Raad van Transvaal, as volg:—

1. Die Stad van Johannesburg sal word en is hierby betitel en bekend as die Stad (City) van Johannesburg.

Titel van Stad ("City") van Johannesburg.

2. Die titel van die Raad van die Munisipaliteit van Johannesburg sal wees en is hierby verander van die "Stadsraad van Johannesburg" in die "Stadsraad (City Council) van Johannesburg," en die bepalinge van die Plaselike Bestuurs Ordonnansie, No. 11 van 1926, en enige wysiging daarvan, sal van toepassing wees op die Stadsraad ("City Council") van Johannesburg, sodat waar ook al die woorde "Stadsraad" of "Raad" gebruik word in die genoemde Ordonnansie, dit geag sal word te meen en in te sluit die Stadsraad ("City Council") van Johannesburg, en waar ook al in enige wet of bywet die Stadsraad van Johannesburg genoem word, sal dit geag word te meen en in te sluit die Stadsraad ("City Council") van Johannesburg.

Titel van Stadsraad ("City Council") en toepassing van Ordonnansie No. 11 van 1926, ens.

3. Hierdie Ordonnansie kan siteer word vir alle doeleindes as die Stad ("City") van Johannesburg Ordonnansie (Private) van 1928, en sal in werking tree op sodanige datum as die Administrateur by proklamasie in die *Prowinsiale Koerant* mag verklaar.

Korte Titel en datum van in Werking kom.

* Proklamasie No. 61, *Prowinsiale Koerant* gedateer 8 Augustus 1928, bl. 163.

**Ord. No. 14
van 1928.**

- (b) Enige somme wat in die fonds oorbly nadat die gelde wat moet voorsien word kragtens subseksie (a) van hierdie artikel verstrek is mag aangewend word vir die aanleg van Prowinsiale weë; mits dat in elk finansiële jaar 'n bedrag van ag persent op die totaal uitgawe beloop aan die aanleg van sulke weë as op die end van die laasvooraangaande finansiële jaar op die fonds sal belas word.
- (c) Die totaal van die bedrae van ag persent op die uitgawe beloop aan die aanleg van Prowinsiale weë op die fonds belas kragtens die bepalinge van die twee vooraangaande subseksies sal oor die algemeen aangewend word tot die onderhoud van die weë aldus aangelê en sal vir geen ander doel aangewend word nie."

Wysiging van artikel 18 van Motorvoertuie Ordonnansie 1915.

3. Artikel *agtien* van die Motorvoertuie Ordonnansie 1915, soas gewysig deur artikel *sewe* van Ordonnansie No. 19 van 1927 en deur artikel *ag* van Ordonnansie No. 3 van 1928, sal wees en word hierby gewysig deur aan paragraaf (a) van subseksie (1) die volgende voorwaardes toe te voeg:—

“mits dat in die geval van enige nuwe plaaslike outoriteit ingestel te eniger tyd gedurende die tydperk vanaf die eerste dag van April 1927 tot die dertigste dag van September 1927 (albei dae inbegrepe) die bedrae betaal deur sulke persone tussen die datum van die proklamasie waarby sulke plaaslike outoriteit ingestel word en die dertigste dag van September 1927, vir die doeleindes van hierdie subseksie geag sal word die bedrag te wees betaal deur sulke persone gedurende die finansiële jaar geëindig op 31 Maart 1927; en mits verder dat in die geval van iedere nuwe plaaslike outoriteit ingestel na die dertigste dag van September 1927, sulke plaaslike outoriteit 'n terugbetaling van een-sesde van sulk bedrag sal ontvang.”

Korte tiitel.

4. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Weëfondse Wysigings Ordonnansie 1928.

'N ORDONNANSIE

Tot Wysiging van die Weëfonds Ordonnansie, 1927, in sekere Opsigte.

Ord. No. 14
van 1928.

(Goedgekeur 11 Julie 1928.)

(Datum van inwerkingtree, 18 Julie 1928.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

SY DIT BEPAAL deur die Prowinsiale Raad van Transvaal as volg:—

1. Subseksie (2) van artikel *drie* van die Weëfonds Ordonnansie, 1927 (hierna die hoofordonnansie genoem), sal wees en word hierby herroep en vervang deur die volgende subseksie:—

Wysiging van
artikel 3
van hoof-
ordonnansie.

“(2) Indien die gedeelte van die fooie ontvang kragtens artikel *agtien* van die Motorvoertuig Ordonnansie, 1915, soas gewysig, deur al die plaaslike outoriteite gedurende enige finansiële jaar, wat deur die Administrateur moet behou word kragtens die genoemde artikel, die helfte van die bedrag van die fooie ontvang deur al die plaaslike outoriteite gedurende dié finansiële jaar aan lisensies kragtens die genoemde Ordonnansie uitgereik aan persone woonagtig buite die jurisdiksiegebied van 'n plaaslike outoriteit, oorskry met meer as dié bedrag wat, in terme van subseksie (1) van hierdie artikel in die fonds moet gestort word vir dié finansiële jaar, sal 'n som gelyk aan sulke oorskryding in die fonds gestort word uit die prowinsiale inkomstefonds.”

2. Artikel *vier* van die hoofordonnansie sal wees en word hierby herroep en vervang deur die volgende artikel:—

Wysiging van
artikel 4
van hoof-
ordonnansie.

“4. (a) Daar sal op die fonds in elk finansiële jaar belas word—

- (i) die gelde nodig voorsien te word vir rente en aflossingskoste op lenings spesifiek aangegaan vir die aanleg van Prowinsiale weë op 'n twintigjarige basis van aflossing;
- (ii) 'n bedrag van ag persent per jaar op die totaal uitgawe beloop aan aanleg van sulke weë as op die end van die laasvooraangaande finansiële jaar.

Ord. No. 13
van 1928.

Twede Bylae.

Artikkel *vyf* (3).

PLAASLIKE BESTURE WAAROP DIE BEPALINGS VAN PARAGRAAF (a) VAN ARTIEKEL *vyf* (3) VAN HIERDIE ORDONNANSIE NIE MAG TOEGEPAS WORD NIE.

Stadsraad van Benoni.
Stadsraad van Boksburg.
Stadsraad van Brakpan.
Stadsraad van Germiston.
Stadsraad van Johannesburg.
Stadsraad van Krugersdorp.
Stadsraad van Potchefstroom.
Stadsraad van Pretoria.
Stadsraad van Roodepoort-Maraisburg.
Stadsraad van Springs.

Derde Bylae.

Artikkel *elf*.

BESWARE.

Teen 'n inskrywing op die Taksasielys, opgemaak kragtens die bepalings van die Plaaslike Bestuur Belasting Ordonnansie, 1928.

Jaar 19.....

Aan die Taksasiehof van die Munisipaliteit (of Distrik).....

Die volgende inskrywing kom voor op die Taksasielys van die Munisipaliteit (of Distrik).....

[Vul hier in die naam van die opponent en afskrif van die pos waarteen beswaar gemaak word.....]

Ek maak hierby beswaar teen genoemde inskrywing en versoek dat—

[Die opponent vermeld hier watter inskrywing volgens sy oordeel bostaande inskrywing moet vervang.]

.....

Op die volgende gronde—

[Die opponent moet hier die rede vermeld waarom hy vermeen dat die inskrywing verander moet word.]

.....

Handtekening van Opponent.

.....dag van.....19...

TAKSASIEHOF.

Beswaar van—

.....

Art. No.....

Beslissing van die Hof—

.....

.....dag van.....19...

(6) Elke bewoner van enige sodanige geboue en verbeterings besit die reg om van die persoon van, en onder wie by bedoelde geboue en verbeterings in gebruik het, soveel terug te vorder as wat deur hom betaal, of van hom ingevorder is aan, en vir belastingen ten opsigte van bedoelde geboue en verbeterings en grond in terme van die bepalings van hierdie Ordonnansie.

(7) Enige persoon wat versuim om die verpligtings na te kom wat aan hom opgelê is in terme van subartiekels (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.

31. Ongeag die herroeping van die wette genoem in die Eerste Bylae hiervan word dit geag dat al die handeling verrig, proklamasies uitgevaardig, of maatreëls respektieflik kragtens hierdie wette geneem voor die aanvang van hierdie Ordonnansie, verrig, uitgevaardig of geneem is kragtens die bepalings van hierdie Ordonnansie.

Bekragtiging van handeling verrig, ens., kragtens wette wat herroep is.

32. Hierdie Ordonnansie word aangehaal as die Plaaslike Bestuur Belasting Ordonnansie en tree in werking op die eerste dag van Julie 1928.

Titel.

Eerste Bylae.

Artikkel een.

WETTE WAT HERROEP IS :

- (1) Artikel *twaalf* van die Dorpewet, 1907.
 - (2) Subartikel (2) van artikel *twee* van die Dorpe Wysigings Wet, 1908.
 - (3) Artikels *eenhonderd vier-en-veertig* en *eenhonderd vyf-en-veertig* van die Plaaslike Bestuur Ordonnansie, 1926.
 - (4) Die Plaatselike Bestuur Belastingen Ordonantie, 1912.
 - (5) Die Plaatselik Bestuur Belastingen Wijzigings Ordonantie, 1916.
 - (6) Die Plaatselik Bestuur Belastingen Wijzigings Ordonantie, 1917.
 - (7) Die Plaaslike Bestuur Belasting (Landbou) Wysigings Ordonnansie, 1921.
 - (8) Die Plaaslike Bestuur Belasting Wysigings Ordonnansie, 1925.
 - (9) Die Plaaslike Bestuur Belasting Wysigings Ordonnansie, 1927.
-

Ord. No. 13 Aanwending
van 1928. van belasting.

29. Die opbrings van die belasting of belasting's gehef, of belasting opgelê, kragtens hierdie Ordonnansie word aangewend vir, en ten behoeve van sodanige munisipale doeleindes as die plaaslike bestuur van tyd tot tyd dienstig ag.

Sekere geboue en verbeteringe moet by die plaaslike bestuur geregistreer word.

30. (1) Al die verplaasbare en onverplaasbare geboue en verbeterings, gebruik vir woon-doeleindes of vir doeleindes wat nie in verband staan met mynbedrywe nie en wat op geproklameerde grond (uitgenome geproklameerde grond in 'n wettig-gevestigde dorp) ten opsigte van die oprigting, onderhoud en okkupasie waarvan geen wettige magtiging bestaan kragtens die bepalings van die Goudwet nie, word deur die respektiewe eienaars daarvan, of hulle respektiewe agente vir die beheer daarvan, opgeskryf in 'n register wat vir daardie doel op die kantoor van die plaaslike bestuur aangehou word.

(2) Bedoelde register bevat besonderhede van sodanige voormelde geboue en verbeterings, 'n omskrywing en die afmetings van die grond wat in gebruik is en die volle name en adresse van die eienare of hulle agente.

(3) Enige verkoop, verhuring, omruiling of vervreemding van bedoelde geboue en verbeterings word op die wyse soos voorgeskryf in subartikkel (1) hiervan, deur die persone wat by bedoelde verhuring, omruiling of vervreemding betrokke is, binne veertien dae vanaf die datum daarvan geregistreer.

(4) Die persoon op wie se naam bedoelde geboue en verbeterings soos voormeld geregistreer is, is aanspreeklik vir die betaling van al die belasting's daarop verskuldig en onverminderd enige verkoop, verhuring, omruiling of vervreemding tensy die geregistreer is soos bepaal in subartikkel (3) hiervan kan op bedoelde geboue beslaggelê en kan hulle geregtelik verkoop word tot voldoening van die bedrag van bedoelde belasting.

(5) Die plaaslike bestuur kan weier om die verkoop, verhuring, omruiling of vervreemding van enige sodanige geboue en verbeterings soos bepaal in subartikkel (3) hiervan, te registreer, tensy en totdat die somme en koste genoem in artikel *negen-en-veertig* van die Plaaslike Bestuur Ordonnansie, wat aan die plaaslike bestuur daarop verskuldig mag wees, betaal is.

volledige afdoening van die bedrag aldus betaal of ingevorder as betaling van huur of ander bedrag.

**Ord. No. 13
van 1928.**

26. By enige verrigting vir die oplê of invorder van belastings, of as gevolg van die oplegging of invordering van enige belasting, sowel as by alle ander verrigtings kragtens die bepaling van hierdie Ordonnansie, is die tak-sasielyste, belastingboeke, en belastdokumente van die plaaslike bestuur en al die boekings daarin gemaak en uittreksels daarvan, of gesertifiseerde afskrifte daarvan, geteken deur die voorsitter of stadsklerk, en ook al die eksemplare van enige nuusblad wat enige kennisgewing bevat nodig om as bewys te dien, allêen 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 bedoelde verrigtings bevoeg is om bewys aan te voer om die teendeel te bewys.

Bewys.

27. Die persoon wat die eienaar van enige belasbare eiendom is op die datum waarop 'n belasting verskuldig en betaalbaar word ten opsigte van bedoelde eiendom kragtens artikel *negentien* 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 gemeenskaplik en afsonderlik verantwoordelik vir die belasting daarop verskuldig; met dien verstande dat, in geval die eienaar buite die Provinsie is, die agent of persoon wat die huur van bedoelde eiendom ontvang, verantwoordelik is.

Eienaar verantwoordelik vir belasting.

28. Enige bepaling in 'n kontrak wat bestaan op die twee-en-twintigste dag van Maart 1916 of daarna gesluit, waarby enige persoon wat in die eerste plaas aanspreeklik is vir betaling van enige belasting opgelê kragtens hierdie Ordonnansie op enige belasbare eiendom wat bedoel is om enige persoon wat belang het by, of hom opvolgende as huurder van bedoelde belasbare eiendom of enige deel daarvan, sonder voorbehoud of voorwaardelik verantwoordelik te stel vir betaling van bedoelde belasting of enige deel daarvan, in plaas van homself, is nietig en van onwaarde.

Huurder nie verantwoordelik vir belasting van verhuurder nie.

Ord. No. 13
van 1928.

betaling van enige sodanige voornoemde belasting van die wanbetaler (sonder nader kennisgewing of aanmaning) die bedrag van die belasting deur bedoelde persoon verskuldig, ongeag die bedrag daarvan, invorder deur regs-vordering in die hof van die magistraat van die magistraatsdistrik, hetsy die persoon daarvoor aanspreeklik, woonagtig is binne die regsgebied van bedoelde hof of nie. In geval dit nie moontlik is om die lasbrief te beteken binne die grense van die regsgebied van sodanige voormelde hof nie, dan geskied bedoelde betekening op die wyse soos die genoemde hof gelas.

Prosedure
teen persone
aan belasting
onderhewig.

24. As 'n belastingkuldige wat in gebreke bly sy belasting te betaal, nie woon binne die regsgebied van die hof van die magistraat van die distrik nie, besit die plaaslike bestuur die reg om desverkiezend die aanskrywing bedoel in artikel *twee-en-twintig* hiervan te beteken aan, of kragtens artikel *drie-en-twintig* hiervan 'n regsvordering in te stel teen, enige persoon wat enige huurgelde of profyte ontvang van die belasbare eiendom waarvoor bedoelde belasting onbetaal is, of wat die huurgelde of profyte sou ontvang as bedoelde belasbare eiendom verhuur of in okkupasie was.

Prosedure vir
invordering
van belasting
onbetaal vir
drie maande.

25. Wanneer enige belasting opgelê aan enige eienare van belasbare eiendom onbetaal bly vir 'n tydperk van drie maande na die datum waarop bedoelde belasting verskuldig en betaalbaar gemaak is, kan die plaaslike outoriteit op enige tyd binne twaalf maande na die oplegging van die belasting, die bedrag van bedoelde belasting, of enige deel daarvan, van enige huurder of bewoner van bedoelde 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 bedoelde opvordering, dit van bedoelde huurder of bewoner invorder op dieselfde wyse asof hy die eienaar was. En elke sodanige huurder of bewoner het die reg om van enige huur of ander bedrag wat deur hom aan bedoelde eienaar of sy opvolgers in eiendom verskuldig is, soveel af 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, bedoelde huurder of bewoner, is 'n goeie en

appèl hangende is, verskuldig en betaalbaar op bedoelde taksasie op die dag vasgestel in terme van artikel *negentien* hiervan, en indien as 'n gevolg van bedoelde appèl na die datum van die betaling van bedoelde belasting 'n verandering in die taksasie, hetsy deur verhoging of verlaging gemaak word, sal 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 die betaling van die belasting tot die datum van bedoelde invordering of terugbetaling.

**Ord. No. 13
van 1928.**

22. As na die tyd bepaal vir die betaling van enige sodanige voormelde belasting enige persoon versuim om enige deur hom verskuldigde belasting te betaal, is die plaaslike bestuur bevoeg om 'n gedrukte of geskrewe aanmaning te beteken aan bedoelde persoon tot betaling van die bedrag genoem in bedoelde aanmaning binne veertien dae na betekening daarvan. En in geval enige persoon aan wie bedoelde aanmaning oorhandig is of by wie se gewone woon- of besigheidsplek of kantoor dit agtergelaat is, nie daaraan voldoen nie, dan is die plaaslike bestuur bevoeg om by die magistraat aansoek te doen vir 'n dagvaring tot invordering van bedoelde belastings van die persone wat tot betaling daarvan verplig is; watter dagvaring deur genoemde magistraat uitgereik word op vertoon van 'n lys van die name en adresse van die persone wat nie aan bedoelde dagvaring voldoen het nie, en die bedrag deur hulle verskuldig met 'n sertifikaat van die stadsclerk of stadstesourier dat van hulle onderskeidelik deur voormelde kennisgewing geëis is om die genoemde belastings te betaal en dat bedoelde belastings deur hulle verskuldig is en nie hoër is as die maksimum belastings vasgestel deur, of kragtens, hierdie Ordonnansie nie, en elke sodanige dagvaring bevat elke magtiging en word in alle opsigte volstrek asof dit 'n lasbrief was uitgevaardig deur die hof van die magistraat en die geregsbode moet by betekening daarvan voldoen aan bedoelde voorskrifte en sodanige koste in rekening bring as op die tyd van toepassing is op lasbriewe van sodanige voornoemde hof.

Verpligting
van betaling
van belasting

23. Onverminderd die bepalinge van artikel *twee-en-twintig* hiervan, kan die plaaslike bestuur na goedvinde na die tyd vasgestel vir die

Invordering
van belasting.

Ord. No. 13
van 1928.

gemaak word ten opsigte van een of ander bepaalde gebied of belasbare eiendom, buite en behalwe die gewone uitgawe vir die gehele munisipaliteit, by besluit bepaal dat bedoelde abnormale of buitengewone uitgawe (en hetsy die bedrag daarvan al dan nie werklik uitgegee is) geheel of gedeeltelik gedek word deur 'n spesiale belasting op die belasbare eiendom of enige gedeelte daarvan binne bedoelde bepaalde gebied, met uitsondering van die orige deel 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 die verskuldig is, vasstel.

Kennisgewing
van belastinge.

19. Elke belasting deur die plaaslike bestuur opgelê word verskuldig en moet betaal word op 'n dag wat hy vasstel, van watter dag en van die bedrag van watter belasting die plaaslike bestuur minstens dertig dae vooraf deur kennisgewing in die *Prowinsiale Koerant* en in 'n nuusblad wat in die munisipaliteit sirkuleer, en op sulke andere wyse as hy by besluit bepaal, kennis gee.

Betaling van
belastinge.

20. (1) Wanneer die plaaslike bestuur, soos voormeld, kennis gegee het van die dag waarop bedoelde belasting verskuldig is en betaal moet word, is al die persone wat vir bedoelde belasting in aanmerking kom, verplig om die bedrag daarvan op die kantore van die plaaslike bestuur te betaal, by gebreke waarvan die wanbetalers geregtelik vervolg kan word vir die invordering van die bedrae wat onderskeidelik deur hulle verskuldig, is.

(2) 'n Plaaslike bestuur is bevoeg om 'n korting van hoogstens twee en 'n halwe persent ($2\frac{1}{2}$ %) toe te staan op enige belastinge betaal op of voor die datum waarop bedoelde belasting verskuldig is en betaal moet word kragtens artikel *negentien* hiervan.

(3) Die plaaslike bestuur is bevoeg om rente op agterstallige belastinge in rekening te bring en in te vorder teen 'n tarief van hoogstens 7 persent per jaar.

Belastinge
betaalbaar in
afwagting van
appèl

21. Wanneer 'n appèl hangende is teen die beslissing van 'n taksasiehof, word enige belastinge, gehef deur 'n plaaslike bestuur nadat die voorsitter van die taksasiehof die taksasie lys geteken en gesertifiseer het, maar voordat bedoelde appèl beslis is, op enige belasbare eiendom teen die taksasie waarvan bedoelde

Ord. No. 13
van 1928.

verband staan met mynbedryf nie, hetsy deur persone werksaam by bedoelde bedryf of andersins, sowel as op die terreinwaarde van die grond, en verder met dien verstande egter, dat geen belasting gehef word op die waarde van enige verbeterings op 'n industriële standplaas nie (hetsy op grond besit kragtens kleinlissensie of ander mynreg of nie) toegeken, vir die doel van uitvoering van die werke genoem in subartikel (1) (c) van artikel *negen-en-sewentig* van die Goudwet soos gewysig deur artikel *ses-en-twintig* van die Transvaal Minerale Huurkontrakte en Minerale Wet Wysigings Wet, 1918, behalwe wanneer, en indien 'n belasting gehef word op die waarde van verbeterings binne die munisipaliteit in terme van die eersvolgende subartikel.

(4) 'n Plaaslike bestuur kan deur besluit aangeneem op enige gewone vergadering gehou binne een maand voor die oplegging van 'n belasting deur bedoelde plaaslike bestuur en aangeneem deur die stemme van 'n meerderheid van die lede van bedoelde plaaslike bestuur, 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 al die verbeterings in die munisipaliteit, met dien verstande dat, in sodanige geval die addisionele belasting van geen groter bedrag in die pond is nie as saam met bedoelde belasting op die waarde van verbeterings nodig is om 'n som op te bring gelyk aan die som wat sou opgebring word deur 'n belasting van drie pennies in die pond op die terreinwaarde van grond en op die waarde van verbeterings bymekaar geneem.

(5) Die Administrateur kan op versoek van 'n plaaslike bestuur die oplegging deur bedoelde plaaslike bestuur toestaan van 'n addisionele belasting hoër as voorgeskryf is in subartikel (3) van hierdie artikel, met dien verstande dat, as die Administrateur bedoelde versoek weier, die Prowinsiale Raad binne een week na bedoelde weiering as die Raad dan in sessie is, of as die Prowinsiale Raad dan nie in sessie is nie, dan binne een week na die eersvolgende sitting van die Raad na bedoelde weiering, by besluit bedoelde plaaslike bestuur kan magtig om bedoelde hoër belasting op te lê.

18. Ongeag enige bepaling hierin kan die plaaslike bestuur, in geval enige abnormale of buitengewone koste deur die plaaslike bestuur

Spesiale
belastings.

Ord. No. 13
van 1928.

as die belasting gehef was op die waarde soos vasgestel deur genoemde taksasiehof.

Taksasielys mag nie betwis of buite werking gestel word nie.

16. Geen taksasie wat voorkom in enige taksasielys opgemaak kragtens hierdie Ordonnansie, en geen belasting wat daarop gebaseer is, mag ongeldig gemaak of verander word weëns enige fout of verskil in die omskrywing van enige belasbare eiendom, of in die naam van enige eienaar daarvan nie; en geen taksasielys opgemaak en bekragtig in terme van hierdie Ordonnansie, kan betwis of buite werking gestel word weëns enige informaliteit nie.

Wyse van belas.

17. (1) Onderworpe aan dié bepalings in hierdie artikel vervat, is 'n plaaslike bestuur geregtig en bevoeg om in, of vir, elke en ieder finansiële jaar 'n belasting of belastings op te lê van sodanige bedrag of bedrae in die pond, as hy bepaal, met dien verstande dat, onverminderd enige bepaling wat daarmee in stryd is in hierdie artikel, die miennimum belasting kragtens hierdie artikel opgelê ten opsigte van enige reg op grond, vyf sielings bedra.

(2) Geen belasting word gehef op verbeterings nie totdat 'n belasting (hieronder die oorspronklike tarief genoem) van een pennie in die pond opgelê is op die terreinwaarde van al die grond binne die munisipaliteit soos voorkom op die taksasielys en geen oorspronklike tarief of tariewe wat in sy geheel meer bedra as een pennie in die pond op sulke waarde in enige enkel finansiële jaar word opgelê nie.

(3) Onderworpe aan die bepalings van die eersvolgende subartikel, word enige belasting (hierna die addisionele belasting genoem) wat gehef word bo die oorspronklike tarief, gehef op die terreinwaarde van grond en, behoudens soos bepaal is in subartikel (5) van hierdie artikel, word geen sodanige addisionele belasting wat in sy geheel meer as ses pennies in die pond op sulke waarde bedra in enige enkel finansiële jaar opgelê nie; met dien verstande, dat in die geval van grond (uitgenome grond in 'n wettig-gevestigde dorp) besit kragtens 'n lisensie of enige ander mynreg om te delwe of te prospekteer vir edele metale en edelgesteentes of onedele metale, bedoelde addisionele belasting, tensy anders deur die plaaslike bestuur bepaal, gehef word op die waarde van enige verbeterings op bedoelde grond gebruik vir woondoelindes of vir doeleindes wat nie in

(f) waar slegs 'n deel van enige belasbare eiendom wat nie afsonderlik op enige taksasielys vermeld is nie, aan enige spesiale belasting kragtens artikel *agtien* van hierdie Ordonnansie onderhewig is, of kan wees, bedoelde taksateur die waarde van bedoelde eiendom wat op sodanige lys voorkom, te laat toe wys tussen die deel daarvan wat onderhewig is of onderhewig kan wees aan enige spesiale belasting soos voornoem, en die orige deel daarvan wat nie aan bedoelde spesiale belasting onderhewig is nie;

Ord. No. 13
van 1928.

—
Art. 15.

met dien verstande dat—

- (i) by die opmaak van sulke tussen tydse taksasies dieselfde vorme in ag geneem, en dieselfde prosedure *mutatis mutandis* soveel moontlik gevolg word, soos hierbo uiteengesit, ten opsigte van algemene taksasies, uitgesonderd dat, na goedvinde van die plaaslike bestuur, die voorgeskrewe kennisgewings skriftelik kan beteken word op die belanghebbende persone, in plaas van, soos voormeld, gepubliseer te word.
- (ii) elke sodanige taksasie, nuwe taksasie, verbetering, en verdeling onderworpe is aan enige beswaar wat daarteen gemaak word by die eersvolgende taksasiehof wat deur die plaaslike bestuur kragtens hierdie Ordonnansie benoem word, en aan dieselfde reg van appèl soos bepaal in artikel *veertien*;
- (iii) in die geval van enige eiendom wat tot die lys toegevoeg is kragtens die bepalings van paragraaf (b) hiervan, of waarvan die taksasie verhoog is kragtens paragraaf (e) hiervan, die eienaar, as by die eersvolgende sitting van die taksasiehof die waarde van genoemde eiendom vasgestel word op 'n som minder as dié waarop die vorige belasting gehef was, geregtig is op terugbetaling van enige belasting deur hom betaal bo dié wat sou betaal gewees het

**Ord. No. 13
van 1928.**

(2) Die plaaslike outoriteit sal bevoeg wees binne een maand appèl aan te teken teen die beslissing van die genoemde hof met betrekking tot enig belasbaar eiendom in die munisipaliteit in die hof van die magistraat van de distrik en sulc appèl sal onderwerp wees aan die bepalinge genoem in die voorafgaande subseksie ten opsigte van die appèls deur die eienaar of bewoner van eiendom.

Bevoegdheid om belasting op belasbare eiendom wat nie bestaan nie kwyd te skeld, om belasbare eiendom wat weggelaat is te laat takseer en om nuwe taksasies te laat maak.

15. Onverminderd enige andersluidende bepaling in hierdie Ordonnansie vervat, het die plaaslike bestuur die reg om van tyd tot tyd en op enige tyd—

- (a) enige belasting wat op enige belasbare eiendom opgelê is, kwyd te skeld in enige geval waarin bedoelde belasbare eiendom afgebreek is sedert die datum van opmaking van die taksasielys; en in sodanige ander gevalle as deur die Administrateur goedgekeur word;
- (b) enige belasbare eiendom wat van die taksasielys weggelaat is, of enige nuwe belasbare eiendom te laat takseer deur 'n taksateur benoem soos hierbo bepaal, en die lopende belasting daarvan te laat invorder;
- (c) deur sodanige taksateur 'n taksasie te laat maak van enige belasbare eiendom wat onderverdeel is na die datum waarop die taksasie van bedoelde eiendom finaal geword het, en die taksasie deur bedoelde taksateur te laat toewys volgens die onderverdelings van die genoemde eiendom, en enige belasting wat daarvoor skuldig is te laat aanslaan en invorder volgens bedoelde onderverdeling;
- (d) deur bedoelde taksateur 'n nuwe taksasie te laat maak van enige belasbare eiendom wat deur enige oorsaak wat aan bedoelde eiendom eie is ontstaan sedert die jongste taksasie daarvan, aanmerklik in waarde gestyg of gedaal het.
- (e) enige fout wat voorkom in die taksasielys wat van tyd tot tyd van krag is, deur bedoelde taksateur te laat verbeter in enige geval waarin 'n skryffout of enige fout betreffende die aard van die getakseerde belang, in bedoelde lys gemaak is, en enige belasting daarop verskuldig, te laat invorder ooreenkomstig die verbeterde lys;

(9) Genoemde hof hou aantekening van sy verrigtings en van die aanslag, beswaar en uitspraak ten opsigte van elke beswaar, en bedoelde hof laat enige verklaring wat daarvoor afgelê is, opskrywe en deur die getuie onderteken, en dit deur die handtekening van die voorsitter bekragtig dat bedoelde verklaring voor bedoelde hof afgelê is, en elke verklaring wat aldus opgeskryf en bekragtig is, word by enige vervolging weëns meened as geldige getuienis beskou en aangemerkt.

Ord. No. 13
van 1928.

13. Sodra die taksasiehof sy ondersoek van Taksasielys. die taksasielys voltooi het, en daarin sodanige veranderings en wysigings gemaak het as die hof nodig ag, onderteken en sertifiseer die voorsitter van die hof die lys. Hy laat verder minstens tweemaal binne die tyd van een week 'n advertensie plaas in die *Provinciale Koerant* en in een of meer nuusblade wat in die munisipaliteit sirkuleer, waarin aan alle belanghebbende persone meegedeel word dat die lys voltooi is, en dat dit vasgestel en verpligtend word vir al die betrokke partye wat nie voor 'n datum in bedoelde kennisgewing vasgestel, en nie minder as een maand vanaf die datum van die eerste publikasie van voornoemde advertensie nie, in hoër beroep moet kom teen die beslissing van die taksasiehof, op 'n wyse soos in die eersvolgende artikel bepaal word.

14. (1) Enige persoon wat sig verongelyk gevoel deur die waarde toegeken aan enig eiendom deur hom besit of bewoon sal geregtig wees binne een maand na sulk skatting appèl aan te teken teen die beslissing van die hof genoem in die laasvooraangaande artikel by die hof van die magistraat van die distrik en sulk laasgenoemde hof sal ondersoek instel na sulke skatting en sy beslissing sal finaal en afdoend wees; mits egter dat indien sig enige wetskwessie sal voordoën aangaande die beginsel waarop enige skatting gemaak is of dien gemaak te word, sulk magistraat geregtig sal wees in plaas van self sulke kwessie te beslis op versoek van die plaaslike outoriteit of die party wat beswaar maak sulke wetskwessie te reserveer vir beslissing deur die Hooggeregshof en sulke kwessie sal aangehaal word in die vorm van 'n spesiale saak en kan bepleit word voor en beslis word deur die Hooggeregshof en sulk hof kan sulke order uitvaardig aangaande koste as die hof sal dienstig ag.

Reg van
appèl.

Ord. No. 13
van 1928.

—
Art. 12.

uit, en die voorsitter daarvan, indien aanwesig, lei die vergadering, en indien afwesig, kies die lede van die hof wat aanwesig is, iemand uit hulle midde om gedurende so'n afwesigheid as voorsitter op te tree. Al die beslissings van bedoelde hof word geneem met 'n meerderheid van stemme van die lede wat persoonlik aanwesig is, en in geval van staking van stemme, het die president of die lid wat as sodanig optree, 'n beslissende stem.

(4) Niemand neem sitting by die behandeling van enige saak waarby hy regstreeks belang het of betrokke is aangesien hy in die eerste plaas aanspreeklik is vir die betaling van die betrokke belasting, of 'n gedeelte daarvan, nie.

(5) As daar om een of ander rede vakatures bestaan op die genoemde hof of as dit in sy verrigtings verhinder word om te handel sodat geen kworum kan gevorm word nie, kan die plaaslike bestuur terstond, en sonder enige kennisgewing, ander persone tydelik of andersins benoem tot aanvulling van sulke vakatures of van die plekke van die lede wat verhinder is om te sit.

(6) Die stadsklerk gee deur publikasie in die *Provinsiale Koerant* en in een of meer nuusblade wat in die munisipaliteit sirkuleer, minstens sewe dae vantevore kennis van die datum wat vir die eerste sitting van bedoelde hof vasgestel is.

(7) By elke sitting van bedoelde hof kan die plaaslike bestuur en enige persoon wat enige beswaar teen enige taksasie ingedien het, en enige persoon teen die taksasie van wie se eiendom beswaar gemaak word of wat voorgestel word om verhoog te word en wie se eiendom op die lys sal geplaas word, hetsy persoonlik verskyn, of verteenwoordig word deur 'n advokaat, prokureur of toegelate en gelisensieerde wetsagent.

(8) By elke sitting van bedoelde hof besit die hof die reg om enige getuie onder eed op te roep en te ondervra en die oorlegging te vorder van al sodanige papiere of dokumente wat die hof nodig ag, en elke taksateur deur wie enige taksasie wat in behandeling is, gemaak is, moet sodanige hofsitting bywoon en al die vrae wat hom ten opsigte daarvan gestel word deur, of deur tussenkoms van, die hof, onder eed beantwoord.

**Ord. No. 13
van 1928.**

persone op om binne 'n bepaalde tyd, nie minder as een-en-twintig dae vanaf die eerste publikasie van bedoelde kennisgewing nie, in die vorm soos vermeld in die Derde Bylae, die stadsklerk skriftelik in kennis te stel met enige besware wat hulle het teen die taksasie van enige belasbare eiendom wat, soos voormeld, getakseer is, of teen weglating daarvan van eiendom wat weer word belasbare eiendom te wees en in besit van die persoon wat beswaar maak of ander persone, of ten opsigte van enige ander fout, weglating of verkeerde omskrywing. Niemand het die reg om besware in te bring by die hieronder genoemde taksasihof nie, tensy hy vooraf bedoelde kennisgewing van beswaar, soos voornoem, ingedien het.

12. (1) Na afloop van die tyd wat in bedoelde kennisgewing bepaal is, benoem die plaaslike bestuur 'n taksasihof, wat bestaan uit minstens drie persone wat al dan nie lede van die plaaslike bestuur kan wees. Bedoelde persone benoem voor die eerste sitting van die hof uit hulle midde 'n president. Die stadsklerk, of enige ander persoon deur die plaaslike bestuur benoem, tree op as klerk van die voornoemde hof.

Taksasihof
pligte en
verrigtinge.

(2) Bedoelde hof gaan daarna op vergaderings wat behoorlik deur die president of klerk belê is, oor tot oorweging van die taksasielys en voornoemde besware wat gemaak is, en is geregtig om bedoelde veranderings of wysiginge in die taksasielys aan te bring, hetsy deur verlaging, verhoging, aanvulling of weglating, al na dit wenslik geag word; met dien verstande, dat geen verandering of wysiging deur verhoging of aanvulling gemaak word nie, tensy en totdat die persoon wat blyk regstreeks daarby betrokke te wees, minstens sewe dae vantevore van die klerk berig ontvang het van die datum van sitting van die hof waarop enige voorstel tot sulke verhoging of aanvulling behandel word, en bedoelde belanghebbende persoon kan of, voor bedoelde datum enige besware teen bedoelde verhoging of aanvulling skriftelik aan die president of die klerk stuur, of hulle vir oorweging op bedoelde sitting aanbied, en die taksasihof moet alle sodanige besware behoorlik hoor en in oorweging neem.

(3) Op elke sitting van bedoelde hof maak drie lede wat persoonlik aanwesig is 'n kworum

**Ord. No. 13
van 1928.**

belasbare eiendom enige waarde af te trek wat bedoelde eiendom verkry deur die aanwesigheid van edelgesteentes of edele metale daarop of daarin.

**Belas van
landbou-
grond.**

9. Ongeag enige andersluidende bepalings in hierdie Ordonnansie word grond, wat minstens een morg groot is en wat bona fide en uitsluitend gebruik word as landbougrond, belas op die helfte van sy landbouwaarde.

Taksateur besit die reg van toegang en inspeksie.

10. (1) Elke taksateur voorsien van 'n skriftelike magtiging, geteken deur die burge-meester of stadsklerk, is, vir die doel om enige voornoemde taksasie te maak, bevoeg om op alle redelike tye oordag enige grond of geboue binne die munisipaliteit te betree en is tewens bevoeg om al die registers of ander aantekeninge of enige aktes of dokumente wat behoort aan, of in bewaring of besit is van, enige Gowermentsamptenaar of enige persoon, wat besonderhede bevat van enige belasbare eiendom, hetsy bedoelde persoon belang het by sulke belasbare eiendom of nie, na te sien en daarvan uittreksels te maak. Enigeen wat opsetlik die taksateur belemmer in die uitoefening van die bevoegdthede wat kragtens hierdie artikel aan hom verleen is, is strafbaar soos in die eersvolgende subartikel bepaal word.

(2) Elke sodanige taksateur is geregtig om van die eienaar of bewoner van belasbare eiendom sodanige skriftelike besonderhede omtrent bedoelde belasbare eiendom te eis as nodig mag wees om bedoelde taksateur in staat te stel 'n juiste taksasie daarvan te maak; en enige eienaar of bewoner wat versuim om binne veertien dae nadat dit van hom gevorder is om bedoelde skriftelike besonderhede te verskaf wanneer die geëis word, is strafbaar met 'n boete van hoogstens twintig pond vir elke oortreding, en iemand wat enige taksateur 'n verkeerde opgawe van waarde of van enige ander besonderhede, soos voornoem, verskaf, is by veroordeling strafbaar met 'n boete van hoogstens vyftig pond vir elke oortreding.

**Insage van
voorlopige
lys.
Besware.**

11. Wanneer die taksasielys voltooi is word dit aan die plaaslike bestuur voorgelê en lê op hulle kantoor ter insage van die publiek, en enige persoon kan die lys op alle redelike tye insien en daarvan afskrifte of uittreksels maak. Die plaaslike bestuur roep deur kennisgewing gepubliseer in die *Prowinsiale Koerant*, en in een of meer nuusblade wat in die munisipaliteit sirkuleer, al die belanghebbende

7. Die taksateur of taksateurs sal die genoemde taksasie (hierin die taksasielys genoem) skriftelik opmaak op sodanige wyse dat in elk geval na sy of hulle beste wete en oordeel aangetoon word—

Voorlopige
taksasielys

Ord. No. 13
van 1928.

- (a) die naam en adres van die eienaar;
- (b) omskrywing en ligging van die geskatte eiendom;
- (c) aard van die reg van die eienaar;
- (d) (1) (i) die terreinwaarde van die grond nie begrepe in (2) (ii) nie;
- (ii) die waarde van enige verbeterings;
- (2) (i) die waarde van verbeterings op grond wat besit word kragtens 'n lisensie of enige ander mynreg om te delwe of te prospekter vir edele metale en edelgesteentes of onedele metale, waar sulke grond gebruik word vir woondoeleindes of vir doeleindes wat nie in verband staan met mynbedryf nie, hetsy deur persone werkzaam by mynbedryf of andersins;
- (ii) die waarde van bedoelde grond.
- (e) enige aftrekkings wat gemaak word van die belasbare waarde kragtens hierdie Ordonnansie of enige ander wet.

8. (1) Die bedrag, of som, waarop die taksateur of taksateurs vir die doel van die taksasielys enige belasbare eiendom takseer, is die kapitaalsom wat dit volgens sy of hulle oordeel verwag kan word op te bring as dit op die tyd van taksasie vir verkoop aangebied word op sodanige redelike terme en voorwaardes as wat 'n bona fide verkoper sou verlang, met behoorlike inagneming nie alleen van bedoelde bepaalde belasbare eiendom nie, maar van ander eiendomme van dergelike klas, aard, waarde, ligging en andere vergelykende faktore; met dien verstande, dat geen huur van grond wat nie begrepe is onder die definisie van "reg op grond" kragtens artikel vier van hierdie Ordonnansie nie op enige wyse in aanmerking geneem word by taksasie van enige belasbare eiendom in die grond wat die onderwerp van enige sodanige huurkontrak uitmaak nie.

Basis van
taksasie.

(2) Dit is die plig van elke taksateur by die verrigting van die werksaamhede aan hom opgedra deur hierdie artikel, om van enige

Ord. No. 13
van 1928.

outoriteit dan geen belasting oplê op enige vroeëre taksasie nie, maar op bedoelde taksasie wanneer dié voltooi is; verder met dien verstande dat bedoelde taksasie nie ongeldig is nie omdat dit nie binne bedoelde tydperk van vyf jaar voltooi is nie.

(4) Voor die Administrateur die bevoegdheid uitoefen wat aan hom verleen is kragtens die vorige subartikel, voorsien die plaaslike bestuur wat wens dat die bepalings van paragraaf

(a) daarvan op hulle toegepas word hom van—

(a) 'n gesertifiseerde kopie van die besluit van die plaaslike bestuur om 'n versoek in te dien vir die toepassing van genoemde bepalings;

(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 *Prowinsiale Koerant* en in een of meer nuusblade wat in die munisipaliteit sirkuleer, gepubliseer is;

(c) kopieë van enige besware teen die voorstel van die plaaslike bestuur of, as geen besware ingedien is nie, 'n verklaring waaruit dit blyk.

Verklaring
van taksateur.

6. Alvorens 'n begin te maak met die taksasie wat hom opgedra is, moet elke taksateur voor een of ander Vrederegter 'n plegtige verklaring aflê in die volgende bewoordinge:—

“ Ek.....verklaar plegtig en opreg dat ek volgens my beste vermoë en kennis, en sonder guns en vooroordeel, opreg en onpartydig sal waardeer en takseer al sodanige belasbare eiendom wat my opgedra word om te takseer vir belastingdoeleindes, en dat ek dit nougeset sal takseer op die volle en billike waarde daarvan. En ek lê hier lie plegtige verklaring af met die voorneme om dié nougeset na te kom.

Verklaar op.....op hierdie.....

dag van.....

Voor my.....”

en elke sodanige verklaring word oorhandig aan, en bewaar deur die plaaslike bestuur.

Ord. No. 13
van 1928.

bedoelde reg op grond gee op die datum van taksasie, ongeag die koste van verbeterings; met dien verstande, dat die meerdere waarde in geen geval meer sal wees nie as die bedrag wat redelikerwys sou nodig wees om die terreinwaarde van die grond op sy verhoogde waarde te bring op die datum van taksasie, watter verhoogde waarde die waarde is van bedoelde reg op grond saam met enige verbeterings daarin, daarop of daaronder, as hulle tesame in sy geheel getakseer word kragtens die bepalings van artikel *ag* van hierdie Ordonnansie.

“ Dorpsraad ” beteken 'n dorpsraad ingestel volgens en kragtens die bepalings van Hoofstuk VIII van die Plaaslike Bestuur-Ordonnansie.

5. (1) Die plaaslike bestuur laat van tyd tot tyd, maar minstens eenmaal in elke drie jaar, 'n taksasie maak van al die belasbare eiendom binne die munisipaliteit met dien verstande egter, dat as bedoelde taksasie eers voltooi is na verloop van voornoemde drie jaar, die plaaslike bestuur dan geen belasting oplê op enige vroeëre taksasie nie, maar op bedoelde taksasie wanneer dié voltooi is; verder met dien verstande, dat taksasie nie van onwaarde is omdat dit nie binne bedoelde termyn van drie jaar voltooi is nie.

Algemene
taksasie.

(2) Die plaaslike bestuur benoem by besluit een of meer bevoegde persone om bedoelde taksasie te maak.

(3) Die Administrateur kan van tyd tot tyd deur proklamasie in die *Prowinsiale Koerant*, en onderworpe aan die bepalings van die eersvolgende subartikel, die volgende bepalings toepas op enige plaaslike bestuur, uitgenome op enige van die plaaslike besture genoem in die Tweede Bylae van hierdie Ordonnansie, gedurende enige tydperk van minstens vyf jaar en gedurende genoemde tydperk is die bepalings van subartikel (1) hiervan nie op bedoelde plaaslike bestuur van toepassing nie:—

(a) Die plaaslike bestuur laat van tyd tot tyd, maar nie minder as eenmaal in elke vyf jaar nie, 'n taksasie maak van al die belasbare eiendom binne die munisipaliteit met dien verstande egter, dat, as bedoelde taksasie eers voltooi is na die end van die voornoemde vyf jaar, die plaaslike

Ord. No. 13
van 1928.

—
Art. 4.

- wins te maak, of as 'n resiesbaan, nie geregtig sal wees op hierdie vrystelling nie;
- (f) Enige reg op grond geleë binne die regsgebied van 'n gesondheidskomitee wat—
- (i) besit word deur die Goewerneur-Generaal in bewaring vir enige toekomstige munisipale raad; of
 - (ii) kragtens enige wet wat gereserveer is vir die gebruik en genot van 'n gesondheidskomitee.
- II. Al die verplaasbare of onverplaasbare geboue en ander verbeterings in, op, of onder grond, enige reg waarop hierin begrepe is;
- III. Enige erfpaghouers-lisensiebelang ongeag enige andersluidende bepaling in die uitsonderings genoem in deel I van hierdie definisie;
- IV. Al die verbeterings gemaak op, in, of onder grond wat besit word kragtens 'n lisensie of enige ander mynreg om te delwe of te prospekter vir edele metale en edelgesteentes of onedele metale, waar sulke grond gebruik word vir woondoeleindes of doeleindes wat nie in verband staan met mynbedryf nie, hetsy deur persone werksaam by mynontginings of andersins.
- “ Terreinwaarde van grond ” beteken die kapitaalsom wat die grond, of reg op grond, kan verwag word op te bring as dit te koop aangebied word op sodanige redelike terme en voorwaardes as 'n bona fide verkoper sou verlang, aannemende dat ewentuele verbeterings daarop, of wat daartoe behoort, nie gemaak is nie. Die terreinwaarde van grond sluit in enige waarde tengevolge van enige voorreg-lisensie, of konsessie wat op daardie tyd aan die terrein verbonde is.
- “ Stadsklerk ” beteken die persoon wat op daardie tyd wettig optree in die hoedanigheid van stadsklerk of van sekretaris van die plaaslike bestuur.
- “ Stadsraad ” beteken 'n stadsraad ingestel volgens en kragtens die bepalings van Hoofstuk I van die Plaaslike Bestuur-Ordonnansie.
- “ Waarde van verbeterings ” met betrekking tot enige reg op grond beteken die meerdere waarde wat die verbeterings aan

(B) (In alle ander munisipaliteite.) Elke reg op grond buite en behalwe:—

Ord. No. 13
van 1928.

—
Art. 4.

- (a) Enige reg op grond, die eiendom, en in okkupasie, van die Kroon; met dien verstande, dat alle eiendom wat staan op naam van die Goewerneur-Generaal-in-Rade vir spoorwegdoeleindes vir sover dit gebruik word vir woondoeleindes deur persone in diens van die Administrasie van die Suid-Afrikaanse Spoorweë en Hawens; geag word "belasbare eiendom" te wees;
- (b) Enige reg op grond uitsluitend gebruik vir erediens, of vir erediens en onderwys, of vir 'n liefdadige instelling heeltemal in stand gehou deur vrywillige bydraes, of vir 'n hospitaal in die genot van 'n subsidie of hulptoelae van die Transvaalse Prowinsiale Administrasie, vir sover as bedoelde reg besit word vir voormelde doeleindes;
- (c) Enige reg op grond wat uitsluitend gebruik word vir 'n onderwysinrigting, soos hierbo omskryf, vir sover bedoelde belang besit word vir genoemde doel;
- (d) Enige lisensie of reg om te delwe of te prospekter vir edelgesteentes of metale op enige stuk grond vir daardie doel bestem; en enige stuk grond uitsluitend besit of geokkupeer vir die uitoefening van sulke regte; met dien verstande, dat geen grond of geboue gebruik vir woondoeleindes wat nie met mynontginings in verband staan nie, hetsy deur persone werkzaam by mynontginings of andersins, geag word onder hierdie uitsondering te val nie;
- (e) Enige reg op grond wat aangelê is en gebruik word vir die doel van sport of ontspanning en gekontroleer word ooreenkomstig reglemente goedgekeur deur die plaaslike bestuur, vir sover bedoelde reg besit word vir voormelde doeleindes, met dien verstande dat 'n reg op grond gebruik as 'n ontspanningsgrond om

Ord. No. 13
van 1928.

Art. 4.

- van die Goewerneur-Generaal-in-Rade vir spoorwegdoeleindes, vir sover as dit gebruik word vir woondoeleindes deur persone in diens van die Administrasie van die Suid-Afrikaanse Spoorweë en Havens, geag word "belasbare eiendom" te wees;
- (b) Enige reg op grond uitsluitend gebruik vir erediens of vir erediens en onderwys of vir 'n liefdadige instelling wat heeltemaal in stand gehou word deur vrywillige bydraes, of vir 'n hospitaal wat 'n subsidie of hulptoelae van die Transvaalse Prowinsiale Administrasie ontvang, vir sover bedoelde reg vir bogenoemde doeleindes besit word;
- (c) Enige reg op grond uitsluitend gebruik vir 'n inrigting van onderwys soos hierbo omskryf vir sover bedoelde reg vir genoemde doel besit word;
- (d) Enige lisensie of reg om te delwe of te prospekteeer vir edelgesteentes of metale op enige gedeelte van grond wat vir daardie doel bestem is; of enige gedeelte 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 in verband staan met mynbedryf nie, hetsy deur persone wat mynbedryf onderneem, of andersins, geag word onder die uitsondering te val nie;
- (e) Enige reg op grond aangelê en gebruik vir sports- of ontspanningsdoeleindes en gekontroleer ooreenkomstig reglemente goedgekeur deur die plaaslike bestuur, vir sover bedoelde reg besit word vir voormelde doeleindes, met dien verstande dat 'n reg op grond wat gebruik word as 'n ontspanningsterrein met die doel om wins te maak, of as 'n resiesbaan, nie geregtig is op die genot van hierdie vrystelling nie;

Ord. No. 13
van 1928.

—
Art. 4.

word, nie geproklameer is nie, okkupeer, waar geen wettige magtiging vir bedoelde okkupasie bestaan nie kragtens enige wet wat betrekking het op die ontginning van edele en onedele metale en waar sulke geboue en verbeteringe gebruik word vir woondoeleindes of vir doeleindes wat nie in verband staan met mynbedryf nie.

- (7) Enige persoon aan wie die reg verleen is om ten opsigte van geproklameerde grond die gehele bedrag of 'n gedeelte van die volgende te ontvang:—
- (i) die kleimlisensiegelde verskuldig op bedoelde grond;
 - (ii) die lisensiegelde betaalbaar op woon-, handels- en industriële-standplase toegestaan op sulke grond kragtens die Goudwet of enige vroeëre wet;
 - (iii) die huurgelde betaalbaar kragtens artikel *drie* van die Bewaarplaasgelde Aanwendings Wet 1917;
 - (iv) die huurgelde betaalbaar kragtens subartikel (3) van artikel *vier* van die Transvaal Mynverhuring en Minerale Wet Wysigings Wet 1918;
 - (v) die huurgelde, as en wanneer die betaalbaar is, vir enige bowegrondsregte verleen kragtens Hoofstuk IX van die Goudwet.

“ Belasbare eiendom ” beteken en sluit in—

- I. (A) (In elke munisipaliteit binne die magistraatsdistrikte Benoni, Boksburg, Germiston, Johannesburg, Krugersdorp, en Springs, die Munisipaliteit Klerksdorp, die Munisipaliteit Warmbad en in elke munisipaliteit waarop die Administrateur deur Proklamasie in die *Prowinsiale Koerant* hierdie definisie van toepassing verklaar):—
- (1) Oop geproklameerde grond;
 - (2) Elke reg op grond soos hierbo omskryf met die volgende uitsonderings:—
 - (a) Enige reg op grond besit deur die Kroon; met dien verstande dat al die eiendom wat staan op naam

Ord. No. 13
van 1928.

—
Art. 4.

- reg verkry kragtens die Handel-drywe op Myngrond Regelingswet 1910 om besigheid te drywe op 'n handelsterrein;
- (3) in gevalle waar die persoon op wie die wettige boedel vasgesit is, insolvent of oorlede is, die persoon wat met die beheer van bedoelde eiendom belas is as kurator, eksekuteur, beheerder of andersins;
- (4) in die geval van enige grond wat besit word kragtens 'n standplaas- of kleimlisensie of ander mynreg uitgereik kragtens enige wet wat betrekking het op die delwe vir edelgesteentes of metale, die geregistreerde besitter van bedoelde lisensie of reg;
- (5) in enige geval waarin eiendom besit word kragtens 'n huurkontrak van die Kroon, of in die geval van 'n handelsstandplaas wat besit word kragtens 'n huurkontrak wat wettig verleen is deur die raad saamgestel kragtens artikel *drie-en-tagtig* van die Goudwet, die huurder daarvan;
- (6) (a) enige persoon in okkupasie van geboue en verbeterings (wat nie in 'n wettig-gevestigde dorp is nie) hetsy verplaasbaar of onverplaasbaar, gebruik vir woondoeleindes of vir doeleindes wat nie in verband staan met mynbedryf nie, geleë op geproklameerde grond of op grond wat, hoewel dit kragtens mynreg besit word, nie geproklameer is nie, en ten opsigte van die oprigting, onderhoud of okkupasie van welke geboue en verbeterings geen wettige magtiging kragtens die bepalinge van enige wet met betrekking tot die ontginning van edele of onedele metale bestaan nie. "Okkupasie" beteken vir die doeleindes van hierdie definisie die werklike okkupasie van, of die uitoefening van besitreg ten opsigte van bedoelde geboue en verbeteringe.
- (b) Enige persoon wat, op grond van sy uitoefening van besitreg op geboue en verbeterings daarop, geproklameerde grond of grond wat, ofskoon dit kragtens mynreg besit

Ord. No. 13
van 1928.

—
Art. 4.

op geproklameerde grond, of op grond wat, ofskoon dit kragtens mynreg besit word, nie geproklameer is nie, ten opsigte van die oprigting, instandhouding of okkupasie van watter geboue en verbeterings geen wettige magtiging kragtens die bepalings van enige wet met betrekking tot die ontginning van edele en onedele metale bestaan nie. "Okkupasie" beteken vir die doeleindes van hierdie definisie die werklike okkupasie van, of die uitoefening van besitreg ten opsigte van sulke geboue en verbeterings.

- "Plaaslike Bestuur" beteken 'n stadsraad, of 'n dorpsraad, of 'n gesondheidskomitee.
- "Plaaslike Bestuur Ordonnansie" beteken die Plaaslike Bestuur-Ordonnansie 1926 of enige wysiging daarvan.
- "Burgemeester" beteken die burgemeester of onderburgemeester van enige stadsraad, of voorsitter of ondervoorsitter van enige dorpsraad, of die voorsitter van 'n gesondheidskomitee.
- "Munisipaliteit" beteken die gebied of distrik onder die kontrole en regsmag van 'n plaaslike bestuur.
- "Bewoner" beteken, en sluit in enige persoon in werklike okkupasie van belasbare eiendom afgesien van die reg ingevolge waarvan hy okkupeer.
- "Oop geproklameerde grond" beteken, en sluit in al die geproklameerde grond (dit wil sê, grond geproklameer as 'n publieke delwery kragtens die Goudwet No. 15 van 1898 of enige vroeëre wet, mits bedoelde grond nie wettig gedepronklameer is nie) wat nie besit word kragtens mynreg of bowegrondsreg nie en nie gereserveer of afgestaan is vir enige doel kragtens die Goudwet nie.
- "Eienaar" beteken en sluit in—
- (1) die persoon of persone in wie se naam die wettige eiendomsreg op enige belasbare eiendom soos hierin omskryf, geregistreer is;
 - (2) die besitter van enige huurkontrak van 'n handelsstandplaas of enige

Ord. No. 13
van 1928.

Art. 4.

- (2) die reg op, en oor grond kragtens 'n standplaaslisensie;
- (3) enige huurkontrak van, of reg op of konsessie van grond vir 'n tydperk van minstens tien jaar of vir die lewensduur van enige persoon daarin genoem, of wat van tyd tot tyd vernuwebaar is na keuse van die huurder vir onbepaalde tyd of vir tydperke wat saam met die eerste tydperk daarvan in die geheel nie minder as tien jaar is nie;
- (4) enige servitude op grond;
- (5) (i) enige gebruiker van geproklameerde grond, hetsy besit kragtens 'n kleimlisensie of ander mynreg of nie, vir woondoeleindes of vir doeleindes wat nie in verband met mynontginning staan nie;
- (ii) enige okkupasie, omdat daarop geboue en verbeterings staan, van geproklameerde grond of grond wat, ofskoon dit kragtens mynreg besit word, nie geproklameer is nie, waar geen wettige magtiging vir sulke okkupasie kragtens enige 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 nie in verband staan met mynbedryf nie;
- (6) enige huurkontrak van grond van die Kroon of enige huurkontrak van 'n handelsstandplaas wat verleen is deur die raad saamgestel kragtens artikkel *drie-en-tagtig* van die Goudwet;
- (7) enige huurkontrak van 'n handelsstandplaas of enige reg verkry kragtens die Handeldryf op Myngrond Regulasie Wet 1910, of enige wysiging daarvan, om besigheid te drywe op 'n handelsterrein;
- (8) enige erfpaghouer-lisensiebelang;
- (9) enige okkupasie van geboue en verbeterings (maar nie op grond in 'n wettig-gevestigde stadsgebied nie), hetsy verplaasbaar of onverplaasbaar, gebruik vir woondoeleindes of vir doeleindes wat nie in verband staan met mynontginning nie, geleë

Ord. No. 13
van 1928.

—
Art. 4.

- (ii) die lisensiegelde betaalbaar ten opsigte van woon-, handels- en industriële persele toegestaan op sulke grond kragtens die Goudwet of enige vroeëre wet;
 - (iii) die huurgelde betaalbaar kragtens artikel *drie* van die Bewaarplaats Gelde Aanwendings Wet 1917;
 - (iv) die huurgelde betaalbaar kragtens subartikel (3) van artikel *vier* van die Transvaal Mynverhuring en Minerale Wet Wysigings Wet 1918;
 - (v) die huurgelde, as en wanneer die betaalbaar is ten opsigte van enige bowegondsregte verleen kragtens Hoofstuk IX van die Goudwet.
- “ Goudwet ” beteken die Edele en Onedele Metale Wet 1908 en enige wysiging daarvan.
- “ Gesondheidskomitee ” beteken n gesondheidskomitee saamgestel volgens, en kragtens die bepalings van Hoofstuk IX van die Plaaslike Bestuur-Ordonnansie.
- “ Verbeterings ” sluit in al die geboue, verplaasbaar of onverplaasbaar, en sluit verder in al die werk wat werklik verrig of materiaal wat gebruik is op enige grond deur die bestee van kapitaal of arbeid deur enige eienaar of bewoner wat enige reg op bedoelde grond het, maar alleen in sover as die gevolg van sulke werk of gebruikte materiaal strek om die waarde van die reg op grond en die voordeel daarvan te vermeerder, op tyd van taksasie onuitgeput is, maar sluit nie in enige werk verrig, of materiaal gebruik, aan, of ten behoeve van enige reg op grond deur die Kroon of deur enige wettige publieke liggaam nie, tensy bedoelde werk of materiaal vir daardie doel bekostig is deur die bydrae van die eienaar of bewoner en bedoelde werk of materiaal nie die eiendom geword het van die Kroon of bedoelde wettige publieke liggaam nie; met dien verstande dat die betaling van belasting nie beskou word as 'n bydrae binne die betekenis van hierdie definiesie nie.
- “ Reg op grond ” beteken en sluit in—
- (1) grond of die vruggebruik daarvan;

Ord. No. 13
van 1928.

Art. 4.

wat handel met advies en toestemming van die Uitvoerende Komitee van die Provinsie.

“ Landbougrond ” beteken bouland, gras- of weiland, marktuine, hoender-boerderye, 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.

“ Onderwysinrigting ” beteken en sluit in—

- (a) enige uniwersiteit volgens die wet opgerig of enige samestellende kollege;
- (b) enige inrigting of diens wat behoorlik kragtens enige wet verklaar word onder hoër onderwys begrepe te wees;
- (c) enige skool, klas of inrigting opgerig, in stand gehou, of ondersteun kragtens die Onderwyswet 1907 of enige wysiging daarvan of geregistreer op die kantoor van die Departement van Onderwys in terme van sulke Wet;
- (d) enige ander skool of inrigting wat die Administrateur van tyd tot tyd deur kennisgewing in die *Provisiale Koerant* verklaar 'n onderwysinrigting te wees vir die doel van hierdie Ordonnansie;
- (e) koshuise of losieshuise in stand gehou in verband met enige van die inrigtings genoem in paragrawe (a), (b), (c) en (d) van hierdie definisie.

“ Finansiële jaar ” beteken die finansiële jaar voorgeskryf deur artikel *ses-en-vyftig* van die Plaaslike Bestuur-Ordonnansie.

“ Erfpaghouders-lisensiebelang ” beteken en sluit in enige reg van die eienaar van geproklameerde grond tot ontvangs van 'n gedeelte van—

- (i) die kleimlisensiegelde betaalbaar ten opsigte van bedoelde grond;

Ord. No. 13
van 1928.

bepalings van hierdie Ordonnansie, behoudens soos hieronder bepaal, nie op bedoelde munisipaliteit van toepassing is nie vir die tydperk wat in bedoelde proklamasie omskryf is, en verder met dien verstande, dat enige taksasielys reeds opgestel kragtens enige wet wat deur hierdie Ordonnansie herroep is en in enige munisipaliteit in gebruik is, van volle krag en uitwerking is gedurende die tydperk waarvoor dit oorspronklik opgestel is.

(2) Behoudens wat in die eersvolgende artikel bepaal is, is artikel *vyf* van Wet No. 4 van 1899 nie van toepassing op enige munisipaliteit wat, soos voormeld, ingestel is nie.

3. (1) Die Administrateur kan van tyd tot tyd deur proklamasie in die *Prowinsiale Koerant* verklaar dat, vir enige tydperk van nie minder as een kalenderjaar nie, die bepalings van hierdie Ordonnansie, of enige wysiging daarvan, nie van toepassing is op 'n munisipaliteit waarvoor 'n dorpsraad of 'n gesondheidskomitee ingestel is kragtens die Plaaslike Bestuur-Ordonnansie nie en dat vir bedoelde tydperk die erfbelasting vorderbaar kragtens die bepalings van artikel *vyf* van Wet No. 4 van 1899, of enige wysiging daarvan, in genoemde munisipaliteit ingevorder word.

Eiendoms-
belasting mag
deur Erfbe-
lasting ver-
vang word.

(2) Telkens wanneer die erfbelasting kragtens die voorgaande subartikel in 'n munisipaliteit vorderbaar is, word bedoelde belasting aan die plaaslike bestuur betaal, maak deel uit van die inkomste van die plaaslike bestuur en is invorderbaar asof dit opgelê was kragtens hierdie Ordonnansie en die bepalings van hierdie Ordonnansie, of enige wysiging daarvan, is vir die doel van bedoelde invordering van toepassing.

(3) Die Administrateur kan van tyd tot tyd enige erfbelasting kwytsteld in gevalle waarin die grond afgesonder of uitsluitend gebruik word vir onderwys, godsdienstige, liefdadige of publieke doeleindes.

4. In hierdie Ordonnansie het die volgende uitdrukkings die betekenis wat teenoor hulle geplaas is, tensy die samehang duidelik 'n ander betekenis vereis:—

Definiesies
van terme.

“ Administrateur ” beteken die amptenaar benoem kragtens subartikel (1) van artikel *ag-en-sestig* van die Suid-Afrika Wet 1909 of enige wysiging daarvan,

Ord. No. 12
van 1928.

Wysiging van
artikel 22
van Ordon-
nansie No. 15
van 1918.

6. Artikel *twee-en-twintig* van die Trans-
vaalse Onderwysers Pensioene Wysigings-
Ordonnansie No. 15 van 1918 word en is hier-
mee gewysig deur die skrapping op die eerste
reël daarvan van die woord "*een*."

Wysiging van
artikel 18
van Ordon-
nansie No. 17
van 1927.

7. Die laaste paragraaf van artikel
agtien van die Transvaalse Onderwysers
Pensioene Wysigings-Ordonnansie, 1927,
word en is hiermee gewysig deur die toevoe-
ging op reël twee daarvan na die woord
"voorsieningsfonds" van die woorde "of uit
die Gekonsolideerde Inkomstefonds van die
Unie."

Korte Tietel.

8. Hierdie Ordonnansie kan vir alle doel-
eindes aangehaal word as die Transvaalse
Onderwysers Pensioene Wysigings-Ordonnan-
sie, 1928, en vorm een geheel met die hoofwet.

Ord. No. 13
van 1928.

'N ORDONNANSIE

Tot Konsolidasie en Wysiging van die Wet op die Heffing
van Belasting deur Plaaslike Besture.

(Goedgekeur 13 Junie 1928.)

(Datum van inwerkingtree, 1 Julie 1928.)*

(Engelse kopie deur Goewerneur-Generaal geteken.)

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

Herroeping
van wette.

1. Vanaf, en na die inwerkingtreeding van
hierdie Ordonnansie, is die wette genoem in die
Eerste Bylae hiervan herroep.

Toepassing
van Ordon-
nansie.

2. (1) Die bepalings van hierdie Ordon-
nansie is van toepassing op elke munisipaliteit
wat reeds gevestig is of hierna gevestig word
kragtens die Plaaslike Bestuur Ordonnansie,
met dien verstande dat, wanneer die Admini-
strateur kragtens die bepalings van die eers-
volgende artikel deur Proklamasie in die *Pro-
winsiale Koerant* verklaar het dat die erfbe-
lasting hefbaar kragtens artikel *vyf* van Wet
No. 4 van 1899 of enige wysiging daarvan, in
enige munisipaliteit ingevorder moet word, die

* Artikel 32.

3. Subartikel (3) van artikel *drie* van die hoofwet, word en is hiermee gewysig deur die volgende paragraaf daaraan te voeg:—

Wysiging van Ord. No. 12
artikel 3 van van 1928.
die hoofwet.

Een vrouwelike ambtenaar die voor de aanvang van Ordonantie No. 17 van 1927 wegens gevorderde ouderdom niet bevoegd was om tot het fonds bij te dragen en op 1 Julie 1927, beneden de ouderdom van 45 jaar was, kan verkiesen om tot het fonds bij te dragen op de volgende voorwaarden:

- (a) Zij moet kiezen binnen een maand na ontvangst van een kennisgeving van het Departement van haar bevoegdheid om bij te dragen;
- (b) zij moet bijdragen ten opzichte van het gehele tijdperk van haar diensttijd ten opzichte waarvan zij verkiest om bij te dragen tegen de tarieven voorgeschreven in paragraaf (b) van subartikel (1) van artikel *twee* van Ordonantie No. 17 van 1927;
- (c) de bepalingen van de hoofwet ten opzichte van de betaling van achterstallige bijdragen en interest op achterstallige bijdragen van de ambtenaar en van de Administratie zijn *mutatis mutandis* van toepassing.

4. Paragraaf (c) van subartikel (1) van artikel *ag* van die hoofwet word en is hiermee gewysig deur die skrapping op reëls twee en drie daarvan van die woorde “krachtens enige bepalingen van deze Ordonantie” en die te vervang deur die woorde “uit het fonds.”

Wysiging van
artikel 8 van
die hoofwet.

5. Subartikel (1) van artikel *tien* van die hoofwet word en is hiermee gewysig deur die skrapping op reëls vier en vyf daarvan van die woorde “gecertificeerd door een geneeskundig certifikaat” en die te vervang deur die woorde “gecertificeerd door een geneeskundige ambtenaar of mediese raad goedgekeurd door het Departement.” Subartikel (2) van artikel *tien* van die hoofwet word en is hiermee gewysig deur die skrapping op die derde reël daarvan van die woorde “op een geneeskundig certifikaat” en die te vervang deur die woorde “door een geneeskundig ambtenaar of goedgekeurde mediese raad.”

Wysiging van
artikel 10
van die
hoofwet.

Ord. No. 12
van 1928.

—
Art. 2.

bijdragen worden gemaakt vanaf de datum van zijn eerste benoeming, en de totale bijdragen vanaf de vereiste datum worden, ongeacht bepalingen in de hoofdwet wat daarmee in strijd is, ingevorderd van de eerstvolgende betaling van zijn pensioendragende emolumenten. Met dien verstande, dat, als de onderwijzer om de een of andere reden niet tot het vaste personeel van het Departement toegelaten wordt, het beschouwd wordt dat genoemde bijdragen per abuis gemaakt zijn en aan hem terugbetaald worden, of indien hij inmiddels overleden is, aan zijn boedel, met interest tegen drie percent per jaar en de bijdragen door de Administratie betaald ten opzichte van bedoelde onderwijzer worden aan de inkomsten terugbetaald met interest tegen drie percent per jaar. Verder met dien verstande dat, als sodanige onderwijzer schriftelijk aan het Departement verklaart dat hij wenst om niet tot het fonds bij te dragen, of wenst om zijn bijdragen tot het fonds te staken gedurende de proeftijd van zijn dienst, geen zodanige bijdragen gemaakt worden door, of ten opzichte van bedoelde onderwijzer en de bijdragen die door hem gemaakt zijn worden aan hem terugbetaald met interest tegen drie percent per jaar, en de bijdragen door de Administratie betaald ten opzichte van bedoelde onderwijzer worden aan de inkomsten terugbetaald met interest tegen drie percent per jaar en de onderwijzer wordt niet op een latere datum toegestaan om tot het fonds bij te dragen ten opzichte van zijn proeftijd.

- (b) Alle bepalingen in de hoofdwet met betrekking tot bijdragen door of ten opzichte van ambtenaren, worden beschouwd in te sluiten de bijdragen betaalbaar door, of ten opzichte van onderwijzers krachtens het vorige subartikel.
-

'N ORDONNANSIE

Ord. No. 12
van 1928.

Tot wysiging van die Transvaalse Onderwysers Pensioene-Ordonnansie, No. 5 van 1916, in sekere opsigte.

(Goedgekeur 9 Mei 1928.)

(Datum van inwerkingtree, 23 Mei 1928.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

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

1. In hierdie Ordonnansie beteken “hoofwet” die Transvaalse Onderwysers Pensioene-Ordonnansie, No. 5 van 1916, soos van tyd tot tyd gewysig en enige uitdrukking waaraan ’n betekenis toegeken is in die hoofwet in en vir die doeleindes daarvan, het, wanneer hierdie ordonnansie gebruik word, dieselfde betekenis, tensy ’n bedoeling in stryd daarmee duidelik blyk, of tensy ’n ander betekenis duidelik aan daardie uitdrukking toegeken is in hierdie Ordonnansie.

Omskrywing.

2. Artikel *drie* van die hoofwet word en is hiermee gewysig deur die toevoeging van die volgende nuwe subartikel (6).

Wysiging van artikel 3 van die hoofwet.

(6) (a) Ongeacht iets in dit artikel wat daarmee in stryd is, draagt iedere onderwyser die na 1 Januarie 1929, in ’n vaste post onder het Departement benoemd word in termen van artikel *acht en zeventig* van de Onderwijswet van 1907, of die, nadat hij ’n opleidingskursus doorlopen heeft in ’n inrigting in stand gehouden door het Departement in termen van artikel *zes en twintig* van de Onderwijswet van 1907, na 1 Januarie 1929, benoemd word tot een post in termen van artikel *zeven en negentig* van de Onderwijswet 1907, bij tot het fonds tegen de tarieven voorgescreven in artikel *twee* van de Transvaalse Onderwijzers Pensioen- en Ordonantie 1927. Bedoelde

Ord. No. 11
van 1928.

persoon soas voorsê wat vars vrugte of groente en geen andere goedere rondvent nie.

“Munisipaliteit” beteken die gebied geplaas onder die kontrole en jurisdiksie van ’n stadsraad of van ’n dorpsraad of van ’n gesondheidskomitee kragtens die Plaaslik Bestuur Ordonnansie, 1926.

“Marskramer” beteken enig persoon wat, hetsy as prinsipaal, agent of bediende, die bedryf of besigheid uitoefen van aanbied of uitstal vir verkoop, kwansel of ruil elders as op ’n vaste plek van enige goedere en vir die doel van plek tot plek reis, hetsy te voet of met ’n voertuig deur homself voortbeweeg; maar sal nie insluit nie enig persoon soas voorsê wat vars vrugte of groente en geen andere goedere rondvent nie.

Plek
beperking.

2. Op en na die datum van die aanvang van hierdie Ordonnansie sal dit nie veroorloof wees vir enig persoon die besigheid van venter of marskramer uit te oefen nie op enige plek buite ’n munisipaliteit wat binne eenmyl verwyder is van die besigheids plek van enig persoon wat die houer is van ’n lisensie uitgereik kragtens die bepalings van die Lisensies Konsolidasie Wet, 1925, en enig amendement daarop, wat sulk persoon magtig die bedryf van ’n algemene handelaar uit te oefen. Enig persoon wat ’n bedryf of besigheid uitoefen in stryd met die bepalings van hierdie artikel sal skuldig wees aan ’n oortreding en sal by veroordeling blootstaan aan ’n boete van hoogstens £50 of by wanbetaling aan gevangenisstraf met of sonder harde arbeid vir ’n tydperk van hoogstens drie maande.

Korte Tietel

3. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Venters en Marskramers Ordonnansie, 1928.

applikasie vir enig sertifikaat van vrystelling uitgereik te word deur die magistraat of resident vrederegter kragtens die bepalinge van artikel *ag*; en
(*b*) in die algemeen vir die beter toepassing van die strekkings en doeleindes van hierdie Ordonnansie.

Ord. No. 10
van 1928.

16. Die volgende Ordonnansies sal wees en word hierby herroep:—

Herroeping
van Wette.

Die Hoofbelasting Ordonnansie, 1921.
Die Hoofbelasting Wysigings Ordonnansie, 1922.
Die Hoofbelasting (Boete) Ordonnansie, 1923.
Die Hoofbelasting Wysigings Ordonnansie, 1925.
Die Hoofbelasting Wysigings Ordonnansie, 1926.

17. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Persoonlike en Inkomstebelastings Ordonnansie, 1928.

Korte Tittel.

'N ORDONNANSIE

Ord. No. 11
van 1928.

Tot Bepanking, Superwisie, Lisensiering en Reëling van
Handeldryf deur Venters en Marskramers

(Goedgekeur 7 Mei 1928.)

(Datum van inwerkingtree, 16 Mei 1928.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

SY DIT BEPAAL deur die Prowinsiale Raad van Transvaal as volg:—

1. In hierdie Ordonnansie sal—

Definiesies.

“Venter” beteken enig persoon wat, hetsy as prinsipaal, agent of bediende die bedryf of besigheid uitoefen van aanbied of uitstal vir verkoop, kwansel of ruil elders as op 'n vaste plek van enige goedere, en vir die doel van plek tot plek rondreis met goedere op enig voertuig (ander as 'n voertuig deur homself voortbeweeg) of met 'n pakkier of karweier; maar sal nie insluit nie enig

**Ord. No. 10
van 1928.**

voorgeskrewe datum vir betaling van die belasting kragtens artikel vier van hierdie Ordonnansie in enig jaar vir 'n verlenging van tyd waarin hy sy belasting vir die lopende jaar moet betaal of om vergunning sulke belasting in termyne te betaal en indien die inkomste amptenaar oortuig is dat sulke persoon nie in staat is die belasting op die vervaldatum te betaal nie, sal hy òf 'n verlenging van tyd toestaan binne watter sulke betaling mag plaas het òf toestem betaling in termyne aan te neem in elk geval sonder straf; mits egter, dat in geval enig persoon versuim te voldoen aan enige voorwaardes waarop sulke verlenging of vergunning is toegestaan deur die inkomste amptenaar die vol bedrag van die belasting en straf terstond verskuldig en betaalbaar sal word as of geen sulke verlenging of vergunning verleen was nie; en mits verder dat van sulke bedrag die bedrag van enige termyn reeds vroeër betaal ooreenkomstig die voorwaardes waarop vergunning verleen was, sal afgetrek word.

Strawwe.

14. Enig persoon wat opsetlik 'n valse verklaring affê kragtens hierdie Ordonnansie sal skuldig wees aan 'n oortreding en by veroordeling blootstaan aan 'n boete van hoogstens twintig ponde of by wanbetaling aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens drie maande.

Enig persoon wat—

(a) versuim of nalaat enige opgawe te verstrek indien en wanneer deur hierdie Ordonnansie vereis; of

(b) versuim die belasting teen die voorgeskrewe datum te betaal; of

(c) versuim te voldoen aan die bepaling van enige regulasie gemaak kragtens die bepaling van hierdie Ordonnansie;

sal skuldig wees aan 'n oortreding en by veroordeling blootstaan vir 'n eerste oortreding aan 'n boete van hoogstens vyf ponde, of by wanbetaling aan gevangenisstraf vir 'n tydperk van hoogstens een maand, en by veroordeling vir 'n volgende oortreding aan 'n boete van hoogstens vyftien ponde, of, by wanbetaling, aan gevangenisstraf vir 'n tydperk van hoogstens drie maande.

Regulasies.

15. Die Administrateur kan regulasies maak:—

(a) vir voorskrywe van die vorm van

maande wat onmiddellik voorafgaan aan die datum waarop die belasting verskuldig is, en volgens wet nie verplig is 'n inkomstebelasting opgawe in te dien nie vir die jaar van aanslag wat op die datum eindig.

(4) Enig melaatse, of swaksinnige persoon wat geen inkomstebelastingbetaler is nie.

(5) Enig manlik volwasse persoon ter leeftyd van sestig jare of ouer op die datum waarop die belasting verskuldig word wat geen inkomstebelastingbetaler is nie.

(6) Enig naturel.

Mits dat die Kommissaris of deur hom gemagtigde persoon 'n vrystellingsertifikaat sal uitreik op 'n voorgeskrewe vorm in ieder geval van vrystelling verleen kragtens (2) en (3) van hierdie artikkel.

9. Enige belasting en/of straf opgelê kragtens die bepalinge van hierdie Ordonnansie sal 'n skuld wees betaalbaar aan die Prowinsiale Inkomstefonds van Transvaal en daarvoor mag, wanneer betaalbaar, vervolging ingestel en ingevorder word deur aksie in enig hof van bevoegde jurisdiksie deur die Kommissaris wat namens die Administrateur vervolging instel. Invordering van belasting.

10. Al die boetes ingevorder vir enige oortreding kragtens hierdie Ordonnansie sal in die Prowinsiale Inkomstefonds gestort word. Boetes.

11. Die Kommissaris kan van tyd tot tyd enige vorme of verklaringe voorskrywe nodig vir die doeleindes van hierdie Ordonnansie. Voorgeskrewe vorme.

12. In die geval van enig persoon van die Provinsie afwesig sal die agent van sulke persoon aanspreeklik wees vir betaling van die belasting. Vir die doeleindes van hierdie Ordonnansie kan die inkomste amptenaar van die distrik waarin sulke persoon gewoonlik woonagtig is enig persoon wat die beheer, kontrole oor of die bewaring het van gelde wat toebehoor aan enig aldus afwesig persoon verklaar die agent vir sulke persoon te wees. Agent aanspreeklik vir belasting van persone afwesig van Provinsie.

13. Nieteenstaande enigiets daarmee in stryd in hierdie Ordonnansie, kan enig persoon onderhewig aan enige belasting daaronder opgelê applikasie maak aan die inkomste amptenaar van die distrik waarin hy woon voor die Betaling van belasting in termyne.

Ord. No. 10 Versuim ver-
van 1928. klaring te
verstrekk.

6. Van enig persoon kan deur 'n inkomste amptenaar gevorder word 'n verklaring te maak op die voorgeskrewe vorm vir die doel enige verpligting kragtens hierdie Ordonnansie vas te stel, en in die geval dat enig persoon versuim 'n verklaring af te lê indien van hom gevorder, kan die inkomste amptenaar die bedrag van belasting betaalbaar deur sulke persoon aanslaan en die bedrag aldus aangeslaan sal finaal en beslissend wees wat betref die verpligting van sulke persoon kragtens hierdie Ordonnansie.

Plig van
werkgewers
opgawe te
verstrekk

7. Enig werker sal verplig wees op verlange die inkomste amptenaar, binne dertig dae vanaf sulke verlange, te voorsien van 'n opgawe op die voorgeskrewe vorm met vermelding van sulke besonderhede as wat nodig mag wees ten opsigte van enig persoon vir hom werksaam op die 30ste Junie in enig jaar. Indien enig werkgewer sou versuim die voorsegde opgawe te verstrek binne die voorgeskrewe tydperk of enige nodige besonderhede sou weglaat, sal hy, behalwe aan die strawwe voorgeskrewe in artikel *veertien* persoonlik aanspreeklik wees vir enige belasting nie ingevorder van enig persoon nie wie se verpligting sou aangetoon wees deur sulke opgawe.

Vrystellings.

8. Van enige belasting opgelê kragtens hierdie Ordonnansie sal vrygestel wees—

(1) Al die vroumense behalwe dié wat inkomstebelasting betalers is; mits dat 'n gehuude vrou wat 'n inkomstebelastingbetaler is alleen kragtens die bepalings van artikel *ses-en-veertig* (6) van Wet No. 40 van 1925, nie, onderhewig sal wees aan die persoonlike belasting nie opgelê deur hierdie Ordonnansie.

(2) Enige manlik volwasse persoon wat deur die magistraat van die distrik of resident vrederegter binne wie se jurisdiksie die eiser woonagtig is verklaar word arm te wees; mits dat die Administrateur van tyd tot tyd aan magistrate en vrederegters instruksies kan gee aangaande die beginsels gevolg te word by vasstelling of sulke volwasse persoon as 'n behoefte kan beskou word.

(3) Enig manlik volwasse persoon wat die magistraat van die distrik waarin die inrigting sig bevind bewys dat hy gereeld 'n onderwysinrigting besoek het as 'n volle-tyd student gedurende die drie

Indien die belasting meer as £25 bedra òg hoogstens £50 teen 15 persent per jaar.

Indien die belasting meer as £50 bedra teen 12 persent per jaar.

bereken op elk vol pond van die bedrag van die belasting oor die tydperk waarin sulk persoon nalatig is, mits dat die bedrag van enige straf opgelê die bedrag van die belasting nie sal oorskry nie. Niemand sal geregtig wees betaling van hierdie belasting uit te stel nie op grond dat hy sy Unie Inkomstebelasting aanslag nie ontvang het nie tensy hy die skriftelike vergunning daarvoor van die inkomste amptenaar ontvang het.

(4) Die voorgeskrewe datum sal die vierde dag van Oktober wees wat volg op die datum waarop die belasting verskuldig word; mits dat die Kommissaris deur publieke kennisgewing enige andere datum kan bepaal nie later as die tiende dag van Oktober in sulk jaar as die voorgeskrewe datum vir enig jaar nie.

5. (1) Ieder persoon wat aan 'n belasting onderhewig is kragtens hierdie Ordonnansie sal die inkomste amptenaar voorsien van 'n verklaring op die voorgeskrewe vorm met vermelding van sulke besonderhede as mag nodig wees om sy verpligting tot sulke belasting vas te stel. Verklarings.

(2) Vir die doel om die bedrag van belasting betaalbaar deur enig inkomste belastingbetaler na te gaan kan die inkomste amptenaar van sulk persoon verlang om vir sy inspeksie enige Unie Inkomstebelasting kwitansie of ander dokument te toon, nodig om die bedrag van belasting betaalbaar kragtens hierdie Ordonnansie vas te stel.

(3) Iedere verklaring of ander dokument ingedien vir die doel van hierdie Ordonnansie sal as vertroulik aangemerkt word en sal nie gebruik of op enige andere wyse watter ook bekend gemaak word nie behalwe vir die toepassing van die bepalings van hierdie Ordonnansie en geen insage daarvan vir enig ander doel sal toegestaan wees nie.

(4) Indien enig persoon sou versuim, nalaat of weier enige verklaring of ander dokumentêr bewys voorgeskrewe deur hierdie artikel te lewer, dan sal hy skuldig wees aan 'n oortreding en by veroordeling blootstaan aan die straf voorgeskrewe in artikel *veertien*.

Ord. No. 10
van 1928.

(b) Indien sulk persoon ongehuud is op die datum waarop die belasting verskuldig word ²⁷/₂ persent bereken op elke volle sieling van bedrag van normale en/of ekstra belasting betaal of betaalbaar kragtens die Inkomstebelasting Wette van die Unie ten opsigte van die jaar van aanslag geëindig op die 30ste Junie in die jaar wat voorafgaan aan die jaar waarin die belasting kragtens hierdie Ordonnansie verskuldig word.

Weduwees,
wewenaars en
geskeie
persone.

3. Vir die doel van hierdie Ordonnansie sal 'n weduwee, wewenaar of geskeie persoon geag word ongehuud te wees mits dat 'n weduwee, wewenaar of 'n geskeie persoon wat 'n minderjarig kind of kinders onderhou of 'n ongehuude persoon wat die enigste steun van 'n ouer is sal geag word gehuud te wees.

Wanneer ver-
skuldig en
aan wie
betaalbaar.

4. (1) Enige belasting gehef kragtens die bepalinge van hierdie Ordonnansie sal verskuldig wees op die 30ste Junie in elk en ieder jaar en sal betaal word aan die inkomste amptenaar van die distrik waarin die belastingbetaler woon, of op sulke andere plek as die Kommissaris kan voorskrywe.

(2) Enig persoon wat versuim die belasting te betaal verskuldig kragtens subartikel (1) van artikel twee van die Ordonnansie op of voor die voorgeskrewe datum in enig jaar sal behalwe die belasting 'n straf betaal bereken teen 10 persent van die bedrag van die belasting vir iedere maand of gedeelte van 'n maand gedurende welke sulk belastingbetaler nalatig is.

(3) Enig persoon wat versuim die belasting te betaal verskuldig kragtens subartikel (2) van artikel twee van die Ordonnansie op of voor die voorgeskrewe datum of binne 30 dae na die datum van die betreklike Unie normale en/of ekstra belasting-aanslag sal behalwe die belasting 'n straf betaal bereken teen die volgende skaal:—

Indien die belasting hoogstens £10 bedra teen 30 persent per jaar.

Indien die belasting meer as £10 bedra dog hoogstens £25 teen 25 persent per jaar.

Ord. No. 10
van 1928.

gedurende enig gedeelte van sulc tydperk, en onafgebroke gewees te het gedurende dié tydperk.

“ Inkomste Amptenaar ” beteken enig Ontvanger van Inkomste of enig ander amptenaar wat optree as die gemagtigde ontvanger van binnelandse inkomste vir enig gebied.

2. Onderwerp aan die beperkings en vrystellings genoem in hierdie Ordonnansie sal jaarliks belas, hefef en ingevorder word:—

Heffing van
belasting.

(1) 'n Belasting op ieder persoon woonagtig in die Provinsie bo die leeftyd van een-en-twintig jare teen die volgende skale:

(a) Indien sulc persoon gehuud is op die datum waarop die belasting verskuldig word £1. 10s.

(b) Indien sulc persoon ongehuud en onder die leeftyd van vyf-en-twintig jare is wanneer die belasting verskuldig word £1. 10s.

(c) Indien sulc persoon ongehuud is en ter leeftyd van vyf-en-twintig jare of ouer wanneer die belasting verskuldig word:

(i) indien sy belasbare inkomste vir die twaalf maande eindigende op die datum waarop die belasting verskuldig word onder £100 was, £1. 10s.;

(ii) indien sy belasbare inkomste vir die twaalf maande eindigende op die datum waarop die belasting verskuldig word £100 of meer was, £2. 5s.

(2) 'n Belasting op die inkomste van ieder persoon woonagtig in die Provinsie wat 'n inkomste belastingbetaler is teen die volgende skale:—

(a) Indien sulc persoon gehuud is op die datum waarop die belasting verskuldig word, 20 persent bereken op elke volle sieling, van die bedrag van normale en/of ekstra belasting betaal of betaalbaar kragtens die Inkomstebelasting Wette van die Unie ten opsigte van die jaar van aanslag geëindig op die 30ste Junie in die jaar wat voorafgaan aan die jaar waarin die belasting kragtens hierdie Ordonnansie verskuldig word.

Ord. No. 10
van 1928.

'N ORDONNANSIE

Om voorsiening te maak vir die Oplegging van Belastings op Persone en Inkomste van Persone woonagtig in die Provinsie.

(Goedgekeur 1 Mei 1928.)

(Datum van inwerkingtree, 9 Mei 1928.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

SY DIT BEPAAL deur die Prowinsiale Raad van Transvaal as volg:—

Definiesies. **1.** In hierdie Ordonnansie sal, tensy onbestaanbaar met die samehang:—

“Administrateur” beteken die amptenaar benoem kragtens artikel *agt-en-sestig* van die Suid-Afrika Wet 1909 en enig amendement daarop wat handel op gesag van die Uitvoerende Komitee.

“Kommissaris” beteken die Kommissaris van Binnelandse Inkomste of enig persoon wat wettig in die hoedanigheid of namens hom optree.

“Inkomste Belastingbetaler” beteken enig persoon onderhewig aan normale of ekstra belasting soos omskrewe in en aangeslaan volgens die inkomstebelasting wette van die Unie ten opsigte van die aanslagjaar geëindig op die 30ste Junie in die jaar wat voorafgaan aan die jaar waarin enige belasting deur hierdie Ordonnansie opgelê verskuldig word.

“Naturel” beteken enig persoon wat ’n lid is van ’n inboorling ras of stam van Afrika.

“Woonagtig in die Provinsie” beteken woonagtig binne die Provinsie Transvaal vir minstens negentig agtereenvolgende dae gedurende die twaalf maande wat eindig op die datum waarop enige belasting opgelê kragtens hierdie Ordonnansie verskuldig word. ’n Tydperk van bewoning deur enig belastingbetaler sal geag word gewees te het vir ’n aantal agtereenvolgende dae nieteenstaande die tydelike afwesigheid van sulke persoon van die Provinsie

Ord. No. 9
van 1928.

No. van Pos.	Diens.	Kolum 1.	Kolum 2.
5	Vir salarisse en onkoste ten aansien van Gemengde Dienste.....	7,923	—
	Insluitende die nagenoemde dienste :—		
	Hulptoelae aan Nasionale Park.....	—	3,000
	Hulptoelae aan Visververenigings.....	—	25
6	Vir Onkoste aan rente en Aflossing.....	301,628	—
7	Vir Onkoste aan Kapitaaluitgawe.....	442,903	—
	Insluitende die nagenoemde dienste :—		
	Geboue.....	—	268,762
	Brugge.....	—	47,750
	Grond.....	—	12,200
	Weë.....	—	77,625
	Werkelose.....	—	18,000
	Warmbad Verbeterings..	—	9,000
	Spesiale Toelae van Unieregering vir Wegaanleg	—	866
	Uitgawe kragtens Municipale Hoofweë Ordonnansie No. 13 van 1926	—	8,700
		£ 4,612,821	
	Weëfondsrekening.....	£ 202,000	

Ord. No. 9
van 1928.

Weëfonds
Rekening
belas met
£202,000.

4. Die Weëfonds Rekening word hierby belas met sulke geldsomme as mag nodig wees vir die finansiële jaar wat eindig op die 31ste dag van Maart 1929, in die geheel die som van tweehonderd en twee duisend nie te bowegaande nie.

Korte Tietel.

5. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Toeëienings (1928-1929) Ordonnansie, 1928.

Skedule.

No. van Pos.	Diens.	Kolom 1.	Kolom 2.
		£	£
1	Vir salarisse en onkoste ten aansien van Algemene Administrasie.....	165,888	—
	Insluitende die nagenoemde dienste :—		
	Hulptoelae aan Openbare Biblioteke.....	—	1,500
	Terugbetalings aan Plaaslike Otoriteite ten aansien van Motorvoertuig Lisensiefooie.	—	77,000
2	Vir salarisse en onkoste ten aansien van Onderwys..	2,782,733	—
	Insluitende die nagenoemde dienste :—		
	Hulptoelae aan Ondersteunde Plaasskole....	—	4,400
	Hulptoelae aan Private Skole.....	—	4,289
	Onderwys aan Naturellekinders.....	—	85,355
3	Vir salarisse en onkoste ten aansien van Hospitale en Liefdadige Instellings, met inbegrip van Armesorg.....	457,608	—
	Insluitende die nagenoemde dienste :—		
	Hulptoelae aan Hospitale	—	23,122
	Hulptoelae aan Liefdadige Instellings.....	—	30,725
4	Vir salarisse en onkoste ten aansien van Weë en Plaaslike Werke.....	454,138	—
	Insluitende die nagenoemde dienste :—		
	Hulptoelae aan Plaaslike Otoriteite.....	—	24,200
	Betaling aan Weëfonds in terme van Weëfonds Ordonnansie, 1927....	—	148,000

'N ORDONNANSIE

Ord. No. 9
van 1928.

Tot aanwending van 'n som van hoogstens £4,612,821 vir die diens van die Provinsie Transvaal, gedurende die jaar wat eindig op die 31ste dag van Maart 1929.

(Goedgekeur 1 Mei 1928.)

(Datum van inwerkingtree, 9 Mei 1928.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

SY DIT BEPAAL deur die Prowinsiale Raad van Transvaal as volg:—

1. Die Prowinsiale 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 1929, in die geheel die som van vier miljoen seshonderd en twaalf duisend ag honderd een en twintig ponde nie te bowegaande nie, as volg:—

Prowinsiale
Inkomste-
fonds belas
met
£4,612,821.

Vir bestryding van gewone of periodieke uitgawe	£4,169,918
Vir bestryding van kapitaal of nie-periodieke uitgawe... ..	442,903

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 (No. T.P. 3 en 6 van 1928) soas deur die Prowinsiale Raad goedgekeur, en onderwerp aan artikel drie hiervan en vir geen ander doel nie.

Aanwending
van gelde.

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 nie op die somme wat voorkom in kolom 2 van bygevoegde skedule, ewemin sal besparings daarop beskikbaar wees vir enige doel ander as dat waarvoor die geld hierby toegestaan word.

Administra-
teur mag
wysigings
magtig.

Ord. No. 8
van 1928.

indien sulke plaaslike outoriteit versuim die vereiste maatreëls te neem en behoorlik uit te oefen, kan die Administrateur, na sig oortuig te het dat die plaaslike outoriteit sonder redelike oorsaak aldus nalatig gewees is,

- (a) sulke regulasies proklameer as wat mag nodig wees sulk gevaar te versag en op te hef, watter regulasies sal, totdat deur die Administrateur herroep, daarop die krag en toepassing van wet hê binne die jurisdiksiegebied van die genoemde plaaslike outoriteit;
- (b) enig persoon of persone magtig enig werk of dinge te doen of te verrig en sulke som spandeer deur sulke te doen of dinge te verrig as wat hom mag nodig blyk, mits dat enig geld deur die Administrateur gespandeer kragtens hierdie artikel deur die Administrateur van die plaaslike outoriteit invorderbaar sal wees op las van enig bevoegd hof op dieselfde wyse as of die som aldus gespandeer 'n lening was gesluit op die eiendom en inkomste van die plaaslike outoriteit kragtens die bepalings van artikel *een-en-vyftig* van die hoofwet; mits verder dat, in die geval van 'n plaaslike outoriteit vir wie se jurisdiksiegebied die bepalings van die Plaaslike Bestuur Belasting Ordonnansie 1912 of enig amendement daarop nie van toepassing is nie, die Administrateur kan proklameer dat die bepalings van dié Ordonnansie of amendement daarop sal toepaslik wees vir die doel eiendom aan te slaan binne die jurisdiksiegebied van die genoemde plaaslike outoriteit, en eiendomsbelasting te hef op sulk eiendom van sulk bedrag en vir sulk tydperk as wat 'n som sal opbring gelyk aan die uitgawe deur die Administrateur beloop kragtens en vir die doel van hierdie artikel.

Korte tittel.

3. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Plaaslik Bestuur (Skadelik Onkruid) Wysigings Ordonnansie en sal as een met die hoofwet gelees word.

(3) Dit sal die plig wees van die stadsklerk of sekretaris van die plaaslike outoriteit op versoek enig persoon gemagtig kragtens subseksie (2) hiervan kosteloos te voorsien van 'n eksemplaar van die bywette of regulasies wat betrekking het op die uitroeiing van skadelik onkruid van krag binne die jurisdiksiegebied van die plaaslike outoriteit.

(4) Indien sulk amptenaar of persoon enig skadelik onkruid as voorsê op enige grond ontdek, sal hy per skriftelike kennisgewing aan die stadsklerk of sekretaris van die plaaslike outoriteit, van die plaaslike outoriteit verlang sulke stappe te neem om sulke grond van al sulke onkruid te suiwer in terme van sy bywette of regulasies. Sulke kennisgewing sal die bepaalde skadelik onkruid op die grond aangetref aandui en so noukeurig as moontlik die ligging van die grond waarop die genoemde onkruid was aangetref. Indien die plaaslike outoriteit sal nalaat sulke stappe binne die genoemde tydperk te neem, sal sulk amptenaar of persoon die saak ter kennis van die Administrateur bring.

2. Indien enige plaaslike outoriteit wat bevoeg is bywette te maak met betrekking tot die uitroeiing van skadelike onkruides sal versuim van sulke bevoegdheid gebruik te maak ten opsigte van alle of enig van sulk onkruid as genoem in subseksie (34) van artikel *tagtig* van die hoofwet of van alle of enig sulk onkruid as wat geproklameer word deur die Administrateur kragtens subseksie (1) van artikel *een* hiervan of indien enige plaaslike outoriteit watter ook sal versuim sulke bywette of regulasies of sulke bywette of regulasies soas gewysig deur enige Proklamasie uitgevaardig kragtens hierdie Ordonnansie van krag in sy jurisdiksiegebied toe te pas of self sal versuim sulk onkruid op sy eie grond of op grond onder sy kontrole of beheer of in of op enige publieke plek uit te roei, en enig sulk versuim as voorsê van die kant van 'n plaaslike outoriteit volgens die mening van die Administrateur 'n gevaar oplewer vir die landboubelange van die publiek binne of buite sy jurisdiksiegebied, kan die Administrateur aan die nalatige plaaslike outoriteit kennis gee van hom verlangende maatreëls te neem binne sy bevoegdhede kragtens die hoofwet tot uitroeiing en vernietiging of laat uitroei of vernietig van al sulk onkruid; en

Bevoegdheid van Administrateur waar plaaslike outoriteit nalatig is in die uitroeiing van skadelik onkruid.

Ord. No. 8
van 1928.

'N ORDONNANSIE

Tot wysiging van die Plaaslik Bestuur Ordonnansie, 1926, ten einde aan die Administrateur sekere bevoegdhede toe te ken in verband met die Uitroeijing van Skadelik Onkruid in gebiede onder die jurisdiksie van Plaaslike Outoriteite.

(Goedgekeur 25 April 1928.)

(Datum van inwerkingtree, 9 Mei 1928.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

SY DIT BEPAAL deur die Prowinsiale Raad van Transvaal as volg:—

Bevoegdheid van Administrateur die inspeksie van grond vir skadelik onkruid te magtig.

1. (1) Nieteenstaande enigiets daarmee in stryd in die Plaaslik Bestuur Ordonnansie 1926 of enig amendement daarop (hierna die hoofwet genoem) kan die Administrateur van tyd tot tyd deur Proklamasie in die *Prowinsiale Koerant* enig onkruid as skadelik onkruid proklameer binne enig gebied van 'n plaaslike outoriteit se jurisdiksie behalwe die onkruid genoem in subseksie (34) van artikel *tagty* van die hoofwet, en vanaf die datum van enige sulke proklamasie sal die name van enig sulke onkruid geproklameer as voorsê, gear word opgeneem te wees in enige bywette of regulasies gemaak kragtens dié subseksie en van krag in sulke gebied, en al die bepalings van die genoemde bywette of regulasies met betrekking tot die uitroeijing van sulke onkruid sal toepaslik wees as of dit deur die plaaslike outoriteit as skadelik onkruid binne sy jurisdiksiegebied verklaar was.

(2) Die Administrateur kan van tyd tot tyd 'n amptenaar van die Transvaal Prowinsiale Administrasie of enige ander persoon magtig enige grond binne die jurisdiksiegebied van enige plaaslike outoriteit op te gaan en die te inspekteer vir die doel sig te oortuig of al of nie enig skadelik onkruid as sodanig verklaar kragtens enige bywette of regulasies in sulke gebied van krag, bestaan en kan aan sulke amptenaar of ander persoon sulke bevoegdhede tot inspeksie en ondersoek toeken as wat die plaaslike outoriteit gemagtig is toe te ken aan sy amptenare en beamptes kragtens artikel *een-en-sewentig* van die hoofwet.

weg binnen 'n municipaliteit, noch op enige weg buiten 'n municipaliteit doch binnen 'n grondgebied omvattende—

**Ord. No. 7
van 1928.**

(i) grond waarvoor 'n dorpsregister is aangelegd op enige registratie van akten kantoor; of

(ii) grond welke als 'n landbouwbezitting verklaard is krachtens de bepalingen van artikel *een* van de Landbouwhoeven (Transvaal) Registratie Wet, 1919; of

(iii) het jurisdiktiegebied van 'n gezondheidskomitee hetwelk geen gemeente verklaard is."

2. (1) Nieteenstaande enigiets daarmee in stryd in die hoofwet of enig amendement daarop sal die Administrateur, indien hy dit na eie diskresie op enige tyd sal nodig ag in die publieke belang, bevoeg wees enige weg aan te lê, te onderhou of te repareer wat loop deur enige van die gebiede genoem in paragrawe (i), (ii) en (iii) van die voorwaarde tot die definisie van "publieke weg" in artikel *twee* van die hoofwet, soas gewysig deur hierdie Ordonnansie, mits dat sulke weg aansluit met en 'n verlenging is van 'n hoofweg buite enige van sulke gebiede.

Bevoegdhede van Administrateur ten opsigte van sekere weë.

(2) Indien en solank as die Administrateur die bevoegdhede sal uitoefen aan hom toegeken deur die voorafgaande subseksie met betrekking tot enige weg daarin genoem, sal die bepaling van die hoofwet of enig amendement daarop toepaslik wees as of sulke weg 'n publieke weg was.

3. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Weë Wysigings Ordonnansie, 1928, en sal as een gelees word met die hoofwet en enig amendement daarop.

Korte Tietel.

Ord. No. 7
van 1928.

'N ORDONNANSIE

Tot Wysiging van die Weë Ordonnansie, 1912.

(Goedgekeur 21 April 1928.)

(Datum van inwerkingtree, 9 Mei 1928.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

SY DIT BEPAAL deur die Prowinsiale Raad van Transvaal as volg:—

Wysiging
van artikel
2 van hoof-
wet.

1. Artikel twee van die Weë Ordonnansie, 1912 (hierna in hierdie Ordonnansie die hoofwet genoem) sal wees en is hierby gewysig in die volgende opsigte:—

(1) Deur die volgende nuwe definisie daaraan toe te voeg:—

“Municipaliteit” zal beteken het gebied of distrikt geplaast onder de kontrole en jurisdiktie van 'n stadsraad of van 'n dorpsraad of van 'n ingelijfd gezondheidskomitee, doch zal het jurisdiktiegebied van 'n gezondheidskomitee wat geen gemeente verklaard is krachtens subsektie (3) van artikel een honderd en negen en veertig van de Plaatselik Bestuur Ordonantie, 1926, niet insluiten.

(2) (a) Deur skraping van paragraaf (b) van die definisie van “publieke weg” en deur daarvoor die volgende nuwe paragraaf in die plaas te stel:—

“(b) Elke weg of pad hoe ook ontstaan (niet lopende over grond geproklameerd krachtens of voor het doel van enige wet betrekking hebbende op het delven naar edele of onedele metalen of edelgesteenten of grond gehouden onder mijntitel als in zulk 'n wet omschreven), welke in het ongestoord gebruik geweest is van het publiek, of welke het publiek het recht heeft gehad te gebruiken gedurende 'n tijdperk van minstens vyftien jaar.”

(b) Deur skraping van die voorwaarde tot die genoemde definisie en daarvoor die volgende nuwe voorwaarde in die plaas te stel:—

“Met dien verstande dat niets in deze Ordonnantie vervat van toepassing zal zijn op enige

- (2) die indiening deur ongedierte-klubs te verlang van enige opgawe of informasie wat deur die Administrateur mag nodig wees en die vorm voor te skrywe waarin sulke opgawe of informasie sal verstrekk word;
- (3) in die algemeen vir die betere uitvoering gee aan die strekkings en doeleindes van hierdie Ordonnansie.”

Ord. No. 5
van 1928.

6. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Ongedierde Uitroeings Wysigings Ordonnansie 1928, en sal as een met die hoofwet gelees word. Korte tittel.

'N ORDONNANSIE

Tot wysiging van die Onderwyswet, 1907.

Ord. No. 6
van 1928.

(Goedgekeur 21 April 1928.)

(Datum van inwerkingtree, 9 Mei 1928.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

SY DIT BEPAAL deur die Prowinsiale Raad van Transvaal as volg:—

1. Artikel *vyf* van die Onderwyswet, 1907 (hierna die Hoofwet genoem) soos gewysig deur die Onderwyswet-Wysigingsordonnansie, 1927, word en is hiermee gewysig deur die toevoeging van die volgende woorde in paragraaf (*f*):—

Wysiging van
artikel 5 van
die hoofwet.

“en om subsidies te verleen vir het onderhoud van kindere terwyl ze zulke scholen besoeken.”

2. Hierdie Ordonnansie mag vir alle doeleinde aangehaal word as die Onderwyswet-Wysigingsordonnansie, 1928. Korte tittel.

Ord. No. 5
van 1928.

- (ii) die aantal en omskrywing van die honde gebruik vir jagdoel-eindes en hul eienare;
- (iii) die aantal jagte gehou gedurende die tydperk 1 Januarie tot 30 November in enig jaar en die name van lede wat daaraan het deelgeneem;
- (iv) die aantal en omskrywing van ongedierte gedood en meegebring gedurende die jaar.

“(c) Enige ongedierteklub sal bevoeg wees ’n boete van hoogstens tien sielings op te lê aan enig lid wat versuim twee agtereenvolgende offisiële jagte by te woon. Indien ’n lid verhinder is ’n jag by te woon, kan hy ’n plaasvervanger stel wat ’n manlik Europeaan sal wees nie jonger as vyftien jare nie. In sulke geval sal die lid geag word as nie afwesig nie. Enige aldus opgelegde boete sal binne veertien dae betaal word, by versuim daaraan te voldoen kan die boete deur siviele aksie in enig bevoegd hof ingevorder word deur die kaptein wat namens die klub vervolging instel.”

Wysiging van
artikel *ses*.

3. Artikel *ses* van die hoofwet sal wees en word hierby gewysig—

- (1) deur die woord “Administrateur” te skrap ooral waar dit voorkom en te vervang deur die woord “magistraat”;
- (2) in subseksie (1) deur die woord “sewe” te skrap en te vervang deur die woord “twee.”

Wysiging van
artikel *tien*.

4. Subseksie (4) van artikel *tien* van die hoofwet sal wees en word hierby gewysig deur opname na die woord “applikasie” in die tweede reël daarvan van die woorde “aan die ontvanger van inkomste.”

Wysiging van
artikel *elf*.

5. Artikel *elf* van die hoofwet sal wees en word hierby herroep en daarvoor sal die volgende nuwe artikel in die plaas gestel word:—

“11. Die Administrateur mag van tyd tot tyd regulasies maak vir enige of alle van die volgende doeleindes:—

- (1) Die lidmaatskap van ’n ongedierteklub te beperk tot persone woonagtig in die wyk waarvoor sulke klub geregistreer is;

- 12.** Die volgende wette word hierby herroep :— Herroeping
van wette. **Ord. No. 4
van 1928.**
- (1) Wet No. 16 van 1895 (Regulasies vir voertuie wat te huur is op publieke pleine of strate in Pretoria);
- (2) Die Pretoria Munisipale Private Ordonnansie No. 3 van 1912.
- 13.** Hierdie Ordonnansie kan vir alle doeleindes aangehaal word as die Plaaslik Bestuur Wysigingsordonnansie, 1928. Korte Tietel.

'N ORDONNANSIE

Tot wysiging van die Ongedierte Uitroeings Ordonnansie, 1925, in sekere opsigte. **Ord. No. 5
van 1928.**

(Goedgekeur 21 April 1928.)

(Datum van inwerkingtree 9 Mei 1928.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

SY DIT BEPAAL deur die Prowinsiale Raad van Transvaal as volg :—

1. Artikel *een* van die Ongedierte Uitroeings Ordonnansie 1925 (hierna die hoofwet genoem) sal wees en word hierby gewysig deur toevoeging na die woord “ distrik ” in die eerste reël van die definiesie van “ wyk ” van die woorde “ of gedeelte van ’n distrik.” Wysiging van
artikel *een*
van hoofwet.

2. Artikel *drie* van die hoofwet sal wees en word hierby gewysig as volg :— Wysiging van
artikel *drie*.

(1) Deur die volgende woorde toe te voeg aan subseksie (1) :—

“ By registrasie van enige ongedierte-klub hieronder sal die Administrateur ’n kennisgewing daarvan aan die sekretaris van sulke klub laat stuur.”

(2) Deur toevoeging aan subseksie (1) van die volgende nuwe paragrafe (*b*) en (*c*), die genoemde subseksie soos oorspronklik bepaal as paragraaf (*a*) daarvan beskou te word :—

“ (*b*) Dit sal die plig wees van iedere geregistreerde ongedierteklub ’n offisieel klubregister aan te hou waarin gereëld sal ingeskrewe word—

(i) die name en adresse van die lede van die klub;

Ord. No. 4
van 1928.

Wysiging van
artikel 83.

7. Artikel *drie-en-tagtig* van die hoofwet word hiermee gewysig deur in subartikel (1) daarvan die woorde “aan die inwoners van die munisipaliteit” te skrap.

Wysiging van
artikel 143.

8. Artikel *eenhonderd drie-en-veertig* van die hoofwet word hiermee as volg gewysig:—

(1) deur skrapping in subartikel (1)—

(a) van die woorde “behalwe soas bepaal in subartikel (3) hiervan”;

(b) van paragraaf (a) daarvan;

(2) deur die herroeping van subartikel (3).

Wysiging van
artikel 149.

9. Subartikel (1) van artikel *eenhonderd negen-en-veertig* van die hoofwet word hiermee gewysig deur skrapping van paragraaf (a) om deur die volgende nuwe paragraaf vervang te word:—

“(a) vir toekenning van enige of alle bevoegdheid genoem in subartikels (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (26), (27), (32), (36) en (40) van artikel *negen-en-sewentig*, aan die komitee vir alle of enige doeleindes genoem in artikel *tagtig* en vir toepassing *mutatis mutandis* op die regsgebied van die komitee, of geheel, of gedeeltelik van Deel II van Hoofstuk VI en van Deel I van Hoofstuk VII van hierdie Ordonnansie.”

Wysiging van
artikel 157.

10. Subartikel (9) van artikel *eenhonderd sewen-en-vyftig* van die hoofwet word hiermee gewysig deur skrapping daarin van die woorde en letters tussen hakies “paragrafe (a) en (b)” en vervanging daarvan deur die woorde en letters tussen hakies “paragrafe (c) en (d).”

Wysiging van
artikel 192
in die Afri-
kaanse teks.

11. Die Afrikaanse teks van artikel *eenhonderd twee-en-negentig* van die hoofwet word hiermee herroep en deur die volgende nuwe artikel *eenhonderd twee-en-negentig* vervang:—

“192. Alle aanklagtes teen ’n plaaslike bestuur moet aanhangig gemaak word binne ses maande na die tyd waarop die oorsake tengevolge waarvan hulle gemaak is, ontstaan het.”

Ord. No. 4
van 1928.

—
Art. 6.

- “(b) te eis dat alle gate, putte, kuile, uitgrawings, damme en dergelike op enige perseel wat nie doelmatig omhein of afgesluit is nie, opgevol of voldoende beskerm word;”
- (6) deur die volgende nuwe paragraaf aan subartikkel (88) toe te voeg:—
“(c) om die gevaarlike of moedswillige gebruik van buskruit of andere brandbare stowwe op publieke plekke te voorkom.”
- (7) deur die volgende nuwe paragraawe toe te voeg aan subartikkel (89) terwyl die bestaande subartikkel paragraaf (a) word:—
“(b) om die speel van grammafone en die gebruik van luidsprekers of dergelike toestelle wat deur elektrisiteit of andersins in werking gebring word vir reklamedoeleindes, op of naby enige publieke plek te reël, beperk of verbied;
(c) om vergunning te verleen tot die gebruik van strate, voet- en sypaaië met die doel om daarop petrolpompe of toestelle vir die verskaffing van motor-brandstof, olie, lug en water op te rig en om ’n huurgeld of fooi, sowel as die duur en voorwaardes van voormelde gebruik te bepaal;”
- (8) deur die volgende woorde aan subartikkel (99) toe te voeg:—
“en om die bewaring of berging van onbewerkte selluloiede en kinematograffilm te reël en te verbied en om die voorwaardes voor te skrywe waarop sulke ontvlambare stowwe op enige perseel mag bewaar en gebêre word;
- (9) deur toevoeging van die volgende nuwe subartikels:
“(119) vir die verleen van lisensies aan, die reëling van, en die toesig op, skoenlappers;
(120) vir die reëling van, toesig op, en verleen van lisensies aan, mark-agente;
(121) vir vasstelling van ’n fooi van hoogstens twee sjielings vir elke en ieder sertifikaat wat kragtens hierdie Ordonnansie of kragtens enige ander wet deur die raad uitgereik word.”

Ord. No. 4
van 1928.

—
Art. 6.

“(b) vir die uitreiking van lisensies aan, en die beheer van, en toesig op handelaars in vars produkte soos omskryf in ietem 10 van Deel I van die Twede Bylae tot die Licensies Konsolidatie Wet No. 32 van 1925;”

“(c) vir die voorskryf van die voorwaardes waarop enige brood, koek, gebak en suikergoed (hieronder in hierdie paragraaf bakkerijprodukte genoem) buite die munisipaliteit geproduseer of berei, binne die munisipaliteit ingevoer, rondgebring, gebêre, verkoop of gebruik mag word en om die invoering, rondbring, berging, verkoop of gebruik binne die munisipaliteit ten opsigte waarvan aan sulke voorwaardes nie voldoen is nie, te verbied;”

(2) deur opname na die woord “lisensieer” waar dit die eerste keer voorkom in subartikel (26), van die woorde “inspekter,” “toesig hou op;”

(3) deur skraping van subartikel (27) om deur die volgende nuwe subartikel vervang te word:

(27) vir die beperking, reëling, toesig op en die uitreiking van lisensies aan venters en marskramers (met inbegrip van die verbod op handeldrywe binne bepaalde tydperke of grense) met dien verstande dat ’n persoon genoem in die vrystellings by ietems 12 en 19 van Deel I Handelslisensies van die Twede Bylae tot die Licensies Konsolidatie-Wet No. 32 van 1925 en enige wysiging daarvan, nie verplig is om ’n venters- of marskramerslisensie uit te neem nie;”

(4) deur die volgende woorde aan subartikel (36) toe te voeg:—

“en waterverbruikers te verplig om doelmatige plekke binne hulle persele te verskaf waar sulke meters geplaas kan word;”

(5) deur aan subartikel (43) die volgende nuwe paragraaf toe te voeg terwyl die bestaande subartikel paragraaf (a) word:

Ord. No. 4
van 1928.

- (ii) al die belemmeringe vir die verkeer of verstoppings van die riolering langs die gehele voorkant van die grond wat deur hom geokkupeer word, of wat sy eiendom is, te kap en te verwyder,

met dien verstande dat—

- (a) bedoelde eienaar binne tien dae na betekening van die order by die magistraat aansoek kan doen dat 'n ondersoek ingestel word om te bepaal of die order al dan nie opgehef behoort te word;
- (b) na behoorlike ondersoek, die magistraat, van wie die beslissing finaal is, bepaal of die order al dan nie opgehef behoort te word en in eersgenoemde geval word dit geag dat die order nietig is;
- (c) in die geval van 'n order wat nie, soos voormeld, opgehef is nie, die eienaar, as hy versuim om enige sodanige handeling tot nakoming daarvan te verrig binne een maand vanaf betekening daarvan, of, waar 'n ondersoek deur die magistraat, soos voormeld, ingestel is, dan binne een maand na die datum waarop die beslissing van die magistraat gegee is, strafbaar sal wees met 'n boete van hoogstens een pond (£1) vir elke dag daarna gedurende welke bedoelde versuim voortduur en die raad die grond kan betree en bedoelde handeling verrig en van hom die koste invorder;
- (d) bedoelde koste 'n las op die grond is en ingevorder kan word soos belasting invorderbaar is kragtens die Plaaslike Bestuur Belasting-Ordonnansie 1912 en enige wysiging daarvan.

6. Artikel tagtig van die hoofwet word hiermee as volg gewysig:— Wysiging van artikel 80.

- (1) deur toevoeging van die volgende nuwe paragrawe (b) en (c) tot subartikel (23) terwyl die bestaande subartikel paragraaf (a) vorm:

Ord. No. 4
van 1928.

Art. 5.

- (4) deur die volgende voorbehoudsbepaling toe te voeg aan paragraaf (c) (i) van subartikel (33):

“ met dien verstande dat ongeag andersluidende bepalings in hierdie Ordonnansie enige sodanige verordeninge gewysig mag word deur die gemeenskaplike bestuur genoem in paragraaf (ii) hiervan. Enige wysiging wat deur so'n bestuur gemaak word moet ingedien word vir bekragtiging en goedkeuring deur elk van die betrokke rade. As elk van die genoemde rade by besluit ooreenkom om genoemde wysiging aan te neem moet so'n bestuur sy besluit waarby die wysiging aangeneem word eenmaal in die *Provinciale Koerant* en eenmaal in een of meer nuusblaaie wat in die betrokke munisipaliteite sirkuleer, adverteer en daarna bedoelde wysiging vir goedkeuring aan die Administrateur voorlê.”

- (5) deur skrapping van subartikel (47) en dit te vervang deur die volgende nuwe subartikel:

“(47) per skriftelike order wat deur die stadsclerk onderteken is, van die eienaar van enige grond wat grens aan enige publieke plek binne die munisipaliteit te eis om enige van die volgende handelingte te verrig:

- (i) bome of lanings wat oor die straat hang of op die hoek van twee strate groei, te verwyder of te snoei, waar die raad van oordeel is dat verwydering of snoeiing nodig is tot voorkoming van—

beskadiging van die straat;

belemmering van, of gevaar vir verkeer;

verstopping van enige voor, sloot of riool wat tot die straat behoort;

of tot verkryging van 'n onbelemmerde uitsig oor sulke bome of lanings oor 'n afstand in elke straat van minstens tien voet vanaf die hoek; mits dat van geen eienaar vereis sal word enige sulke bome of lanings te snoei tot 'n hoogte van minder as vyf voet vanaf die grond nie.

2. Die Afrikaanse teks van artikel *negen-en-veertig* van die hoofwet word hiermee gewysig deur in die slotparagraaf daarvan die woorde “ en ses pennies ” te skrap.

Wysiging van artikel 49 in die Afrikaanse teks.

Ord. No. 4 van 1928.

3. Artikel *sestig* van die hoofwet word gewysig deur die volgende nuwe subartikel daaraan toe te voeg:—

Wysiging van artikel 60.

“ (3) Die bepalings van hierdie artikel en van die voorafgaande artikel is *mutatis mutandis* van toepassing op die kontrole van enige fonds gestig kragtens subartikel (33) van artikel *negen-en-sewentig* van hierdie Ordonnansie.

4. Die Engelse teks van artikel *ses-en-sestig* van die hoofwet word hiermee gewysig deur die woord “ registries ” op die vyf-entwintigste reël te skrap en te vervang deur die woord “ registers ”.

Wysiging van artikel 66, in die Engelse teks.

5. Artikel *negen-en-sewentig* van die hoofwet word hiermee as volg gewysig:—

Wysiging van artikel 79.

(1) deur die volgende woorde aan subartikel (3) toe te voeg:

“ en die begrafnis van lyke op ’n behoorlike begraafplaas of kerkhof binne of buite die munisipaliteit verpligtend te maak,”

(2) deur die toevoeging aan subartikel (14) van die volgende nuwe paragraaf (b), terwyl die oorspronklike subartikel beskou word as paragraaf (a) daarvan:

“ (b) geboue of depots te vestig, op te rig, uit te rus, te onderhou, te reël en te gebruik vir die ontvangs en opberging van goedere wat aan besonderf onderhewig is, vrugte en groentes, en venters en marskramers van sulke ware te verplig om in sulke depots alle dergelike ware te bêre wat onverkoop mag wees in gevalle waarin ander doelmatige opslagruimte volgens die oordeel van die raad nie beskikbaar is nie en in verband daarmee koste in rekening te bring;”

(3) deur opneming onmiddellik na die woorde “ tuinbou-verenigings ” in subparagraaf (iii) van paragraaf (a) van subartikel (15) van die woord “ pluimveeklubs ”;

Ord. No. 4
van 1928.

'N ORDONNANSIE

Tot wysiging van die Plaaslik Bestuur Ordonnansie
1926, in Sekere Opsigte.

(Goedgekeur 18 April 1928.)

(Datum van inwerkingtree, 25 April 1928.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

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

Wysiging van
artikel 19
van die Hoof-
wet.

1. Artikel *negentien* van die Plaaslik Bestuur-Ordonnansie 1926 (hieronder die hoofwet genoem) word hiermee gewysig deur subartikels (1) en (2) daarvan te skrap en die te vervang deur die volgende nuwe subartikels:—

- “(1) Die raad kan uit die inkomste van die raad aan die burgemeester 'n bedrag toewys wat hy voldoende ag as 'n toelae vir algemene doeleindes met inagneming van die posiesie. Die bedrag van bedoelde toelae word by aanvang van die ampstermyn van die burgemeester vasgestel, is maandeliks betaalbaar, en mag gedurende genoemde ampstermyn nie verander word, of deur verhoging, of deur verlaging nie; en dit sal nie geag word dat bedoelde toelae val onder die bepalings van Hoofstuk IV van hierdie Ordonnansie nie. Aangaande die uitgawe van bedoelde toelae word aan die komitee van finansies verantwoording gedoen, maar dit is aan geen ander kontrole onderworpe nie.
- (2) Die raad kan ook as 'n persoonlike toelae wat maandeliks betaalbaar is, aan die burgemeester 'n totale bedrag toestaan van hoogstens een derde van die toelae wat vasgestel is ingevolge subartikel (1) van hierdie artikel. Dit word nie geag dat bedoelde persoonlike toelae val binne die bepalings van Hoofstuk IV van hierdie Ordonnansie nie. Die uitgawe van bedoelde toelae is nie onderworpe aan enige kontrole nie en die handtekening van die burgemeester is daarvoor voldoende.

7. Paragrafe (a) en (b) van subartikel (3) van artikel *vyftien* van die hoofwet soos gewysig deur artikel *sewe* van Ordonnansie No. 7 van 1927, word en is respektieflik hiermee gewysig deur die opneming na die woorde “boete van” van die woorde “niet minder dan.”

Wysiging van artikel 15.

Ord. No. 3 van 1928.

8. Artikel *agtien* van die hoofwet soos gewysig deur artikel *sewe* van Ordonnansie No. 19 van 1927 word en is hiermee gewysig as volg:—

Wysiging van artikel 18.

(1) (a) deur die opneming voor die woorde “al die fooie” in sub-artikel (1) daarvan van die woorde “behoudens wat bepaal is in sub-artikel (4) hiervan sal” en skrapping van die woord “sal” tussen die woorde “Ordonnansie” en “aan” en

(b) deur skrapping in paragraaf (a) van bedoelde sub-artikel orals waar hulle voorkom, van die woorde “maar van het Provinciale Inkomstenfonds.”

(2) deur die volgende nuwe sub-artikel daaraan toe te voeg:—

“(4) Alle fooien die door een Plaatselik Bestuur ontvangen worden ten opzichte van:—

bestuurderslicenties en duplikaat - bestuurderslicenties, fabrikant- of handelaarlicenties en overdracht van motorvoertuiglicenties

van personen die binnen zijn rechtsgebied wonen, zijn het eigendom van bedoeld plaatselik bestuur en maken een deel uit van de inkomsten van bedoeld plaatselik bestuur.”

9. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Motorvoertuig Wysigings Ordonnansie, 1928, en vorm een geheel met die hoofwet.

Korte titel.

Ord. No. 3
van 1928.

zodanig kussen mag vervoerd worden alleen als het motorrijwiel voorzien is van geschikte voetplanken voor bedoelde passagier."

Wysiging van artikel 12. 5. Artikel *twaalf* van die hoofwet word en is hiermee gewysig as volg:—

(1) Deur die opneming na die woorde "bedwelvende drank" in paragraaf (a) van die woorde "of verdovende middele";

(2) deur die skrapping van die woorde "de straffen in deze ordonantie bepaald" en deur die te vervang deur die volgende woorde:—

"de volgende straffen:—

(i) voor een eerste overtreding een boete van ten hoogste vijftien pond of bij wanbetaling tot gevangenisstraf voor een tijdperk van hoogstens drie maanden en de aantekening op zijn licentie of tot de schorsing van zulke licentie voor een tijdperk van hoogstens zes maanden;

(ii) voor een tweede overtreding een boete van ten hoogste twintig pond of gevangenisstraf zonder keuze van een boete voor een tijdperk van ten hoogste een maand, schorsing van zijn licentie gedurende een tijdperk van twaalf maanden;

(iii) voor een derde overtreding een boete van ten hoogste vijftig pond of gevangenisstraf zonder keuze van een boete voor een tijdperk van ten hoogste drie maanden of beide bedoelde boete en gevangenisstraf, en het intrekken van zijn licentie."

Wysiging van artikel 13.

6. Subartikel (1) van artikel *dertien* van die hoofwet word en is hiermee gewysig deur die opneming na die woord "Pretoria" van die woorde:—

"en binnen zodanige andere gebieden of distrikten als de Administrateur, die hierbij gemachtigd wordt om zulks te doen, door kennisgewing in de *Provinciale Koerant* bepaalt."

formule bekend als de R.A.C. (Britse Tesaurie) formule gevolgde:—

$$\frac{D^2 \times N}{1613}$$

In deze formule beteken 'D' de middellijn van de cilinder in millimeters terwyl 'N' het aantal cilinders voorstelt."

Ord. No. 3
van 1928.

2. Paragraaf (c) van subartikel (1) van artikel ses van die hoofwet word en is hiermee gewysig deur die volgende woorde daaraan toe te voeg:—

Wysiging van
artikel 6.

"Iedere aantekening op een licentie krachtens dit artikel gemaakt word beskouw as *ipso facto* herroepen te zijn na het verstrijken van een tydperk van drie jaar vanaf de datum waarop bedoelde aantekening gemaakt is, mits gedurende bedoeld tydperk geen andere aantekening gemaakt is. Als binne bedoeld tydperk een andere aantekening gemaakt word blijft of blijven de eerste aantekening of aantekeningen van kracht tot een vol tydperk van drie jaar sonder verdere aantekening verstreken is."

3. Artikel ag van die hoofwet word en is hiermee gewysig deur die volgende nuwe subartikel daaraan toe te voeg terwyl die oorspronklike artikel subartikel (1) daarvan word:—

Wysiging van
artikel 8.

"(2) Een ieder die een motorvoertuig waarvan het onderscheidingsnummer of herkenningsteken verwijderd, onkenbaar gemaakt, bedekt, veranderd of vernietigd is met het doel om de identiteit van bedoeld motorvoertuig te verbergen of verkeerd voor te stellen, voorbedachtelik koopt, verkoopt, ontvang, van de hand zet, verbergt, of in zijn bezit heeft, maak sich schuldig aan een overtreding tegen deze Ordonantie."

4. Subartikel (3) van artikel elf van die hoofwet, soos gewysig deur artikel twee van Ordonnansie No. 18 van 1927, word en is hiermee gewysig deur die skraping van die woorde: "Ieder kussen gebruik door passagiers zal van doelmatige voetplanken voorzien zijn," en deur dit te vervang deur die woorde: "met dien verstande dat een passagier op een

Wysiging van
artikel 11.

Ord. No. 3
van 1928.

'N ORDONNANSIE

Tot Wysiging van die Motorvoertuigen Ordonantie,
1915, in sekere opsigte.

(Goedgekeur 13 April 1928.)

(Datum van inwerkingtree, 25 April 1928.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

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

Wysiging van
artikel 2 van
die Hoofwet. **1.** Artikel twee van die Motorvoertuigen-
ordonantie, 1915 (hierna die hoofwet ge-
noem), word en is hiermee gewysig as volg:—

- (1) Deur die skrapping in subartikel (4)
soos gewysig deur artikel ses van Ordon-
nansie No. 19 van 1927 van die woorde
“Zodanig certifikaat van registratie
zal geen vernieuwing vereisen” en die
te vervang deur die volgende woorde:—

“Bedoelde eigeenaar behoef zodanig
registratie-certifikaat niet te eniger tijd
te vernieuwen bij de registrerende
autoriteit die het certifikaat uitgereikt
heeft, nog behoef hij de fooien te be-
talen die hierin voor een zodanig certi-
fikaat voorgeschreven zijn—

- (i) bij zijn overplaatsing naar het ge-
bied van een andere registrerende
autoriteit; of
- (ii) ingeval de grenzen van het gebied
waarin hij oorspronkelijk geregi-
streerd is, veranderd worden door
van bedoeld gebied een gedeelte
weg te nemen zodat het het gebied
uitmaakt van een nieuwe registre-
rende autoriteit of een gedeelte van
het gebied van een andere regi-
strerende outoriteit.”
- (2) deur die skrapping van subartikel (6)
van die woorde vanaf: “Bij de bereke-
ning van de paardekracht,” ens., tot en
met die woorde “aantal cilinders” en
deur die te vervang deur die volgende
woorde:—“Bij de berekening van de
paardekracht van een motorkar wordt de

'N ORDONNANSIE

Ord. No. 2
van 1928.

Tot aanwending van 'n som van hoogstens £350,000 vir die dienste van die Provinsie Transvaal gedurende die jaar wat eindig op die 31ste dag van Maart 1929.

(Goedgekeur 23 Maart 1928.)

(Datum van inwerkingtree, 28 Maart 1928.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

SY DIT BEPAAL deur die Prowinsiale Raad van Transvaal as volg :—

1. Op en na die eerste dag van April 1928 mag uit die Prowinsiale Inkomstefonds sulke somme geld verstrekk word, by mekaar geneem nie meer te bedraag dan die som van drie honderd en vyftig duisend 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 1929, tot sulke tyd as die Raad daarvoor voorsiening gemaak het in 'n Toeëienings-ordonnansie.

£350,000 mag verstrekk word uit die Prowinsiale Inkomstefonds.

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 1929, 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 ooreenkomsdig met die bepalinge daarvan; mits dat geen dienste waarop geen uitgawe was beloof nie gedurende die finansiële jaar wat eindig op die een-en-dertigste dag van Maart 1928, of waarover geen wettige magtiging bestaan nie, sal geag word onder hierdie Ordonnansie gemagtig te wees.

Uitkerings onder hierdie Ordonnansie aangemerk te word as voorlopige voorskotte.

3. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Toeëienings (Deel 1928-1929) Ordonnansie, 1928.

Korte tittel.

Ord. No. 1
van 1928.

Skedule.

Nommer van Pos.	Diens.	Kolom 1.	Kolom 2.
		£	£
1	Vir salarisse en onkoste aan Algemene Administrasie.....	63,770	—
2	Vir salarisse en onkoste aan Onderwys Insluitende die nagenoemde dienste—Hulptoelae, Onderwys aan Naturelle-kinders.....	2,220	—
		—	2,220
3	Vir salarisse en onkoste aan Hospitale en Liefdadige Instellings.....	24,685	—
	Insluitende die nagenoemde toelae—		
	Oosrand Hospitaal.....	—	5,000
	Hope Herstellingstehuis vir Kinders	—	338
	Middelburg Hospitaal.....	—	539
	Paul Kruger Gedenkhospitaal, Rustenburg.....	—	1,324
	Lichtenburg Delwerye Hospitaal..	—	333
	Bridgman Gedenkhospitaal.....	—	1,500
	Bethal Hospitaal.....	—	400
	Rustenburg Weldadigheidsvereniging.....	—	980
	Nederd. Herv. Kerk Kommis.ie vir Arme Blanke.....	—	50
	Wesrand Noodhulpfonds.....	—	163
4	Vir salarisse en onkoste aan Weë en Plaaslike Werke.....	89,298	—
	Insluitende die nagenoemde dienste—Hulptoelae aan Plaaslike Outoriteite.....	—	900
	Betaling aan Weëfonds in terme van Weëfonds Ordonnansie, 1927.....	—	87,500
5	Vir salarisse en onkoste aan Gemengde Dienste.....	1,170	—
7	Vir onkoste aan Kapitaaluitgawe..... Insluitende die nagenoemde diens—Grond.....	4,500	—
		—	4,500
		£185,643	—
	Weëfonds Rekening.....	£17,000	—

'N ORDONNANSIE

Ord. No. 1
van 1928.

Tot aanwending van 'n verdere som geld van hoogstens £185,643 vir die diens van die Provinsie Transvaal vir die tydperk van die 1ste dag van April 1927 tot die 31ste dag van Maart 1928.

(Goedgekeur 23 Maart 1928.)

(Datum van inwerkingtree, 28 Maart 1928.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

SY DIT BEPAAL deur die Prowinsiale Raad van Transvaal as volg:—

1. Die Prowinsiale Inkomstefonds van Transvaal word hierby belas vir die dienste van die genoemde Provinsie, vir die tydperk van die 1ste dag van April 1927 tot die 31ste dag van Maart 1928, albei dae inbegrepe, met 'n verdere som van hoogstens honderd vyf-en-tagtig duisend ses honderd drie-en-veertig pond bowe die somme waarin voorsien is deur die Toeëienings (1927-1928) Ordonnansie, 1928.

Prowinsiale
Inkomste-
fonds belas
met £185,643.

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 Prowinsiale Raad goedgekeur.

Hoe geld sal
aangewend
word.

3. Die Weëfonds Rekening word hierby belas met sulke somme geld as wat nodig mag wees vir die tydperk van die eerste dag van April 1927 tot die 31ste dag van Maart 1928, albei dae inbegrepe, sewentien duisend pond nie te bowegaande nie, soos uiteengesit in die Begroting van Addisionele Toeëiening vir die genoemde tydperk soas deur die Prowinsiale Raad goedgekeur.

Weëfonds
Rekening.

4. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Addisionele Toeëienings (1927-1928) Ordonnansie, 1928.

Korte titel.

INHOUD.

(ALFABETIES.)

NOMMER VAN ORDONNANSIE.	TITTEL.	BLADSY
1928.		
1	Addisionele Toeëienings (1927-28).....	1
17	Hoofrifpad.....	70
3	Motorvoertuie Wysigings.....	4
21	Nie-Gemagtigde Uitgawe (1926-27).....	127
16	Onderwyswet Verdere Wysigings.....	70
6	Onderwyswet Wysigings.....	17
5	Ongedierte Uitroeings Wysigings.....	15
10	Persoonlike en Inkomstebelastings.....	26
13	Plaaslike Bestuur Belasting.....	38
8	Plaaslik Bestuur (Skadelik Onkruid) Wysigings	20
20	Plaaslike Bestuur Verdere Wysigings.....	126
4	Plaaslik Bestuur Wysigings.....	8
18	Publieke Hospitale.....	80
15	Stad (" City ") van Johannesburg (Privaat)....	69
9	Toeëienings (1928-29).....	23
2	Toeëienings (Deel 1928-29).....	3
12	Transvaalse Onderwysers Pensioene Wysigings.	35
11	Venters en Marskramers.....	33
7	Weë Wysigings.....	18
14	Weëfonds Wysigings.....	67
19	Winkelure Wysigings.....	122

GEDRUK DEUR DIE STAATSDRUKKER, PRETORIA
7667—3/9/28—1,200

MERENSKY-BIBLIOTHEEK	
UNIVERSITEIT VAN PRETORIA	
28 -06- 1978	
Klasnommer	345.1-024
Registernommer	571267

TRANSVAAL



ORDONNANSIES

VAN

DIE PROVINSIE TRANSVAAL

1928

GEPUBLISEER OP LAS

En gedruk onder toesig van die Staatsdrukker

PRETORIA
DIE STAATSDRUKKERY EN KANTOOR VAN SKRYFBEHOEFTE
1928