



ORDINANCES
OF
THE PROVINCE OF TRANSVAAL
1926

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AN ORDINANCE

Ord. No. 1
of 1926.

To apply a further sum of money not exceeding £24,685 for the service of the Province of Transvaal for the period from the 1st day of April, 1925, to the 31st day of March, 1926.

(Assented to 20th March, 1926.)

(Date of operation, 24th March, 1926.)

(English copy signed by Governor-General.)

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

1. The Provincial Revenue Fund of Transvaal is hereby charged towards the services of the said Province for the period from the 1st day of April, 1925, to the 31st day of March, 1926, both days inclusive, with a further sum not exceeding twenty-four thousand six hundred and eighty-five pounds in addition to the sums provided for by the Appropriation (1925-1926) Ordinance, 1925.

Provincial
Revenue
Fund charged
with £24,685.

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

How money is
to be applied.

3. This Ordinance may be cited for all purposes as the Additional Appropriation (1925-1926) Ordinance, 1926.

Short title.

ADDITIONAL APPROPRIATION (1925-26).

2

APPROPRIATION (PART 1926-27).

Ord. No. 1
of 1926.

Schedule.

Number of Vote.	Service.	Column 1.	Column 2.
		£	£
1	For salaries and expenses in respect of General Administration	934	
2	For salaries and expenses in respect of Education Including the undermentioned services :—	1,230	
	Grants-in-Aid, Education of Native Children		1,230
3	For salaries and expenses in respect of Hospitals and Charitable Institutions, including Poor Relief ... Including the undermentioned service :—	3,929	
	Grant to Duivelskloof Hospital		47
	Grant to West Rand Distress Fund		135
4	For salaries and expenses in respect of Roads and Local Works	7,825	
5	For salaries and expenses in respect of Miscellaneous Services	188	
7	For Capital Expenditure	10,579	
		£24,685	

Ord. No. 2
of 1926.

AN ORDINANCE

To apply a Sum not exceeding £400,000 on Account for the service of the Province of Transvaal during the Year ending on the 31st day of March, 1927.

(Assented to 20th March, 1926.)

(Date of operation, 24th March, 1926.)

(English copy signed by Governor-General.)

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

£400,000
may be issued
out of the
Provincial
Revenue
Fund.

1. On and after the first day of April, 1926, there may be issued out of the Provincial Revenue Fund such sums of money not exceeding in the aggregate the sum of four hundred thousand pounds as may from time to time be required for the service of the Province in respect of the year ending on the 31st day of March, 1927, until such time as provision is made therefor by the Council in an Appropriation Ordinance.

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, 1927, 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, 1926, 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.

Ord. No. 2
of 1926.

3. This Ordinance may be cited for all purposes as the Appropriation (Part 1926-1927) Ordinance 1926.

Short title.

AN ORDINANCE

To control Whippet or Dog Racing.

(Assented to 13th April, 1926.)

(Date of operation, 19th May, 1926.)

(English copy signed by Governor-General.)

Ord. No. 3
of 1926.

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

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

Definition.

“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.

“Profits” shall mean the difference between the value of the tickets purchased and the amount paid out in respect of winnings.

2. From and after a date* which may be fixed by the Administrator by proclamation in the *Provincial Gazette* it shall not be lawful for any person to hold any whippet or dog race unless

Licence to be issued.

* 1st August, 1926, Proclamation No. 35, *Provincial Gazette* dated 2nd June, 1926, page 547.

**Ord. No. 3
of 1926.**

such person is in possession of a licence which shall be taken out as hereinafter provided. Any person who holds or organizes any whippet or dog race in contravention of this section shall be guilty of an offence.

Application
for licence.

3. Any person who desires to take out a licence shall apply to the Administrator who may in his discretion issue such licence which shall be valid for a period of one year from the date of issue. Any licence issued under the provisions of this section shall specify the number of race meetings (not exceeding two per week) which may be held during the currency thereof and the course on which such race meetings may be held. Any person who holds any whippet or dog race in excess of the number specified in the licence or on any other course than is mentioned in the licence shall be guilty of an offence against this Ordinance.

Licence fee.

4. The fee payable for any licence issued under the provisions of the preceding section shall be assessed as follows :—

(a) In the case of a person who has conducted whippet races during the twelve months preceding the date on which the licence is issued by the Administrator, 1 per cent. on the profits of any totalizator used during that period.

(b) In the case of a person who has not conducted whippet races during a period of twelve months prior to application for a licence being made to the Administrator the fee shall be £15, provided that on the expiration of one year from the date of the issue of the licence the licensee shall furnish the Administrator with a sworn statement showing the profits of any totalizator used during that period. In the event of the amount of £15 being less than 1 per cent. on the profits as aforesaid the licensee shall thereupon pay the difference between £15, and the amount ascertained as aforesaid. In the event of the amount of £15 being more than the amount ascertained as aforesaid the difference shall be refunded to the licensee,

provided that the amount payable for any licence shall not be less than five or more than fifty pounds.

Licence may
be cancelled.

5. The Administrator may cancel any licence issued under the provisions of this Ordinance in the event of the holder thereof being convicted of an offence against the provisions thereof.

6. (1) It shall not be lawful for the holder of any licence issued under the provisions of this Ordinance to permit any person under the age of 16 years to attend or witness any whippet race and the holder of a licence who permits any person to attend or witness a whippet race in contravention of this section shall be guilty of an offence.

Person under age not to be admitted to race meeting.

Ord. No. 3
of 1926.

(2) No licence shall be issued under the provisions of section *three* of this Ordinance unless the Administrator is satisfied that adequate provision has been made for preventing persons under the age of 16 years attending or witnessing whippet races.

7. Any person who is guilty of an offence against this Ordinance shall on conviction be liable to a fine not exceeding fifty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

Penalty.

8. Any police officer of or above the rank of sergeant may enter upon any course used for the purpose of whippet races, and any person who shall resist, hinder or obstruct any such officer in the exercise of his powers under this section shall be guilty of an offence against this Ordinance.

Police may enter course.

9. This Ordinance may be cited for all purposes as the Whippet Racing (Control) Ordinance 1926.

Short title.

AN ORDINANCE

To Amend the Poll Tax Ordinance, No. 7 of 1921.

Ord. No. 4
of 1926.

(Assented to 13th April, 1926.)

(Date of operation, 5th May, 1926.)

(English copy signed by Governor-General.)

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

1. Notwithstanding anything to the contrary in the Poll Tax Ordinance No. 7 of 1921 or any amendment thereof, any person liable for the tax may make application to the revenue officer of the district in which he resides before the 15th day of September but in any case not later than

Tax may be paid in instalments.

**Ord. No. 4
of 1926.**

the 4th day of October 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 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.

Short title. **2.** This Ordinance may be cited for all purposes as the Poll Tax Amendment Ordinance, 1926.

**Ord. No. 5
of 1926.**

AN ORDINANCE

**To provide for the Registration and Control of
Charitable Institutions.**

(Assented to 23rd April, 1926.)

(Date of operation, 19th May, 1926.)

(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, or any amendment thereof, acting on the authority of the Executive Committee :

“certificate” shall mean a certificate issued under the provisions of section *two* of this Ordinance ;

“charitable institution” shall mean any institution or organization which obtains or seeks to obtain contributions in money or in kind from sources other than the Government of the Union or the Provincial Administration and applies or declares its intention to apply such contributions in whole or in part to the distribution of alms, doles or other form of assistance in money or in kind.

2. (1) From and after a date* which shall be fixed by the Administrator by proclamation in the *Provincial Gazette* it shall not be lawful for any charitable institution as defined in this Ordinance to be conducted unless the committee or person responsible for the management thereof is in possession of a certificate of registration, which may be issued by the Administrator.

(2) Any application for a certificate shall—

(a) specify the arrangement made or proposed to be made for the management of the charitable institution ;

(b) state whether or not payment is made or proposed to be made to collectors of funds for the charitable institution, and if so, on what rate or basis payment is made or proposed to be made ; and

(c) supply such further information as may be required by the Administrator on such form as he may prescribe.

In the event of it being found, after a certificate has been issued, that the information supplied under this sub-section is incorrect, the Administrator may forthwith cancel such certificate.

(3) Any person who conducts a charitable institution in contravention of the provisions of this section shall be guilty of an offence against this Ordinance.

3. (1) The Administrator may at any time in his discretion cancel any certificate issued under the provisions of the preceding section.

(2) In the event of the cancellation of any certificate issued under the provisions of this section, the person in whose name such certificate

* 1st September, 1926, Proclamation No. 34, *Provincial Gazette* dated 19th May, 1926, page 515.

**Ord. No. 5
of 1926.**

was issued shall return the certificate to the Administrator within a period of fourteen days from the date of the notification of the Administrator's decision to cancel the certificate. Any person who fails to return the certificate within the time aforesaid shall be guilty of an offence.

Contra-
vention—
forfeiture of
moneys
collected.

4. Any person who issues any appeal or who solicits assistance in cash or in kind towards the maintenance, conduct or management of a charitable institution which is not in possession of a certificate shall be guilty of an offence against this Ordinance, and the magistrate may order that any moneys collected in contravention of the provisions of this section shall be paid to the Administrator who shall devote such moneys to such charitable purposes as he may decide.

Exemptions.

5. The Administrator may in his discretion exempt any church or religious body from the provisions of this Ordinance, and such church or religious body shall thereupon be granted an exemption certificate which shall be valid for such period as the Administrator may determine.

Penalty.

6. Any person who is convicted of an offence against this Ordinance, or any regulation framed thereunder shall be liable on conviction to a fine not exceeding fifty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding six months.

Regulations.

7. The Administrator may make regulations—

- (a) compelling the production of any information or documents with regard to the conduct of a charitable institution ;
- (b) for the inspection of the accounts of a charitable institution ;
- (c) for the entry by an authorized official upon any premises owned or in possession of a charitable institution ;
- (d) requiring a charitable institution to keep records of all cases of persons receiving or applying for assistance from such institution and prescribing the form in which such records shall be kept.

Short title.

8. This Ordinance may be cited for all purposes as the Charitable Institutions (Control) Ordinance 1926.

AN ORDINANCE

Ord. No. 6
of 1926.

To amend the Vermin Destruction Ordinance,
1925.

(Assented to 23rd April, 1926.)

(Date of operation, 19th May, 1926.)

(English copy signed by Governor-General.)

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

1. Section *two* of the Vermin Destruction Ordinance, 1925 (hereinafter referred to as the principal Ordinance) shall be and is hereby amended by the addition thereto of the following words:—

Amendment
of section 2
of principal
Ordinance.

“Notwithstanding anything to the contrary contained in this section it shall be lawful for a vermin club to hunt vermin on any land the property of a local authority provided the permission in writing of such local authority is obtained in which case the provisions of section *seven* of this Ordinance shall not apply to such local authority.”

2. Section *six* of the principal Ordinance shall be and is hereby amended by the deletion of the proviso thereto.

Amendment
of section 6
of principal
Ordinance.

3. Section *ten* of the principal Ordinance shall be and is hereby amended by the addition of the following paragraph :—

Amendment
of section 10
of principal
Ordinance.

“(5) That if a member of a vermin club not entitled to exemption in terms of this section pays the tax prescribed in the Registration and Control of Dogs Act 1907 or any amendment thereof in any calendar year in respect of one dog registered in terms of sub-section (1) of this section, such member shall, upon compliance with the further requirements of this section during the same calendar year, be entitled to a refund of the tax so paid upon application in the prescribed form accompanied by a certificate from the secretary of his club that he has complied with such requirements.”

4. This Ordinance may be cited for all purposes as the Vermin Destruction Amendment Ordinance 1926.

Short title.

Ord. No. 7
of 1926.

AN ORDINANCE

To amend the Private Hospitals Ordinance, 1919.

(Assented to 23rd April, 1926.)

(Date of operation, 12th May, 1926.)

(English copy signed by Governor-General.)

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

Amendment of section *one*. **1.** Section *one* of the Private Hospitals Ordinance 1919 (hereinafter referred to as the principal Ordinance) shall be and is hereby amended by the deletion of the definition of the word "hospital" and the substitution of the following definition:—

"Hospital" shall mean any institution in which six or more beds are provided for persons requiring medical attention and/or skilled nursing, provided that the term "hospital" shall not include any hospital mentioned in the schedule to this Ordinance or to any hospital which is maintained wholly from Provincial or other public funds.

Amendment of section *five*. **2.** Section *five* of the principal ordinance shall be and is hereby amended by the insertion after sub-section (1) of the following new sub-sections, sub-section (2) as originally enacted being regarded as sub-section (4) :—

"(2) Anything to the contrary contained in this section notwithstanding, a manager of any hospital which is maintained partly from funds provided by the Provincial Administration may with the permission in writing of the Administrator permit a nurse to accumulate the leave prescribed in paragraph (a) of sub-section (1) of this section not exceeding four days or four nights, as the case may be, and such manager may also with the written approval of the Administrator reduce the consecutive hours prescribed in paragraph (c) to two hours.

"(3) In addition to the leave prescribed in this section, a nurse shall be entitled to leave of absence with full pay for a period of twenty-one days in respect of each twelve months' continuous service with the same employer."

3. This Ordinance may be cited for all purposes as the Private Hospitals Amendment Ordinance, 1926.

Short title.

Ord. No. 7
of 1926.

Schedule.

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

AN ORDINANCE

Ord. No. 8
of 1926.

To apply a sum not exceeding £4,145,381 towards the Service of the Province of Transvaal during the year ending on the 31st day of March, 1927.

(Assented to 15th May, 1926.)

(Date of operation, 9th June, 1926.)

(English copy signed by Governor-General.)

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

1. The Provincial Revenue Fund is hereby charged with such sums of money as may be required for the service of the Province during the year ending the 31st day of March, 1927, not exceeding in the aggregate the sum of four million one hundred and forty-five thousand three hundred and eighty-one pounds, as follows :—

Provincial
Revenue
Fund
charged with
£4,145,381.

To defray normal or recurrent expenditure	£3,693,950
To defray capital or non-recurrent expenditure	£451,431

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 4 of 1926) as approved by the Provincial Council, and subject to section *three* hereof and to no other purpose.

How money
to be applied.

3. With the approval of the Administrator, acting with the consent of the Executive Committee, a saving on any sub-head of a vote may be made available to meet 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

Adminis-
trator may
authorize
variations.

**Ord. No. 8
of 1926.**

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.

Short title. **4.** This Ordinance may be cited for all purposes as the Appropriation (1926-1927) Ordinance, 1926.

Schedule.

<i>No. of Vote.</i>	<i>Service.</i>	<i>Column</i>	<i>Column</i>
		<i>1.</i>	<i>2.</i>
		£	£
1.	For salaries and expenses in respect of General Administration	88,068	—
	Including the undermentioned services:—		
	Grants-in-aid to Public Libraries	—	1,500
2.	For salaries and expenses in respect of Education	2,618,648	—
	Including the undermentioned services:—		
	Grants to Aided Farm Schools	—	3,530
	Grants to Private Schools... ..	—	4,250
	Grants for Maintenance of Blind and Deaf Mutes at Worcester Institute and similar institutions	—	3,300
	Grants for education of native children	—	61,450
3.	For salaries and expenses in respect of Hospitals and Charitable Institutions, including Poor Relief	416,820	—
	Including the undermentioned services:—		
	Grant to Elim Hospital	—	1,000
	Grant to Victoria Maternity Hospital, Pretoria	—	850
	Grant to Potchefstroom Cottage Hospital	—	850
	Grant to Hope Convalescent Home for Children	—	1,500
	Grant to Ermelo Hospital	—	500
	Grant to South African Hospital	—	150
	Grant to Heidelberg Hospital	—	650
	Grant to Schweizer Reneke Cottage Hospital... ..	—	300
	Grant to Middelburg Hospital	—	700
	Grant to Roodepoort-Maraisburg Hospital	—	500
	Grant to Bochem Hospital... ..	—	90
	Grant to Duivelskloof Hospital	—	250
	Grant to Jane Furze Memorial Hospital	—	237
	Grant to Sabie Hospital	—	200
	Grant to M'phahlele Location Hospital	—	140
	Grant to Standerton Hospital	—	350
	Grant to Lydenburg Hospital	—	600
	Grant to East Rand Hospital	—	3,000
	Grant to Rustenburg Hospital	—	550
	Grant to Lichtenburg Hospital	—	450
	Grant to Wolmaransstad	—	1,000
	Grant to Rand Aid Association	—	11,000
	Grant to Pretoria Benevolent Society	—	1,800
	Grant to Johannesburg Children's Home...	—	900

<i>No. of Vote.</i>	<i>Service.</i>	<i>Column</i>	<i>Column</i>	Ord. No. 8 of 1926.
		1. £	2. £	
	Grant to Children's Aid Society, Johannes- burg	—	1,350	
	Grant to St. George's Home for Boys, Johannesburg	—	540	
	Grant to Home for Old People, Krugersdorp	—	315	
	Grant to House of Mercy, Irene	—	315	
	Grant to Rescue Home, Pretoria	—	495	
	Grant to Salvation Army	—	645	
	Grant to Good Shepherd's Home, Johan- nesburg	—	225	
	Grant to Germiston Benevolent Society ...	—	495	
	Grant to Vrouwen Zending Bond	—	180	
	Grant to St. Mary's Orphanage, Johannes- burg	—	225	
	Grant to Princess Christian Home, Pretoria	—	203	
	Grant to Guild of Loyal Women, Johan- nesburg Guild Cottage	—	270	
	Grant to League of South African Mothers, Pretoria	—	900	
	Grant to Louis Botha Home for Children	—	720	
	Grant to King Edward VII. Order of Nurses	—	180	
	Grant to Germiston Child Welfare Society	—	90	
	Grant to Pretoria Child Welfare Society	—	90	
	Grant to Johannesburg Hospital, Samaritan Fund	—	150	
	Grant to Dutch Reformed Church Commis- sion for Poor Whites	—	2,650	
	Grant to Epworth Children's Home	—	135	
	Grant to Langlaagte Orphanage	—	2,250	
	Grant to Boksburg Benevolent Society ...	—	200	
	Grant to Benoni Benevolent Society	—	180	
	Grant to Brakpan Benevolent Society ...	—	160	
	Grant to Springs and District Red Cross Benevolent and Children's Aid Society...	—	130	
	Grant to Roodepoort and District Aid Association	—	150	
	Grant to Potchefstroom and District Children's Aid and Benevolent Society	—	960	
	Grant to West Rand Distress Fund	—	130	
	Grant to Children's Refuges, Johannesburg	—	450	
4.	For salaries and expenses in respect of Roads and Local Works	308,043	—	
	Including the undermentioned service :—			
	Grants-in-aid to Local Authorities	—	22,200	
5.	For salaries and expenses in respect of Miscel- laneous Services	8,461	—	
6.	For expenses in respect of Interest and Redemp- tion	253,910	—	
7.	For expenses in respect of Capital Expenditure	451,431	—	
	Including the undermentioned services :—			
	Buildings	—	215,836	
	Bridges	—	80,000	
	Land	—	14,400	
	Roads	—	41,845	
	Unemployed	—	2,350	
	Special grant from Union Government for			
	Road Construction	—	70,000	
	Construction of Main Reef Road	—	27,000	

Ord. No. 9
of 1926.

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, 1925, to defray certain unauthorized expenditure.

(Assented to 28th June, 1926.)

(Date of operation, 7th July, 1926.)

(English copy signed by Governor-General.)

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

Provincial
Revenue
Fund charged
with £4,337.
12s. 11d.

1. The Provincial Revenue Fund is hereby charged with the sum of four thousand three hundred and thirty-seven pounds twelve shillings and elevenpence 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, 1925. Such expenditure is set forth in the schedule to this Ordinance and will be found more particularly specified on page 23 of the Report of the Provincial Auditor of Accounts for the year 1924-1925 and in the Report of the Select Committee on Public Accounts No. T.P.S.C. 2 of 1926.

Short title.

2. This Ordinance may be cited for all purposes as the Unauthorized Expenditure (1924-1925) Ordinance, 1926.

Schedule.

No. of Vote.	Service.	Column 1.	Column 2.
2	Grant to Potchefstroom School of Industries	—	£67 10 0
4	For salaries and expenses in respect of Roads and Local Works	£3,664 7 5	—
5	For expenses in respect of Capital Expenditure on— Roads	—	605 15 6

AN ORDINANCE

To amend the Pounds Ordinance, 1913.

Ord. No. 10
of 1926.

(Assented to 30th June, 1926.)

(Date of operation, 14th July, 1926.)

(English copy signed by Governor-General.)

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

1. Section *twenty-seven* of the Pounds Ordinance 1913 (hereinafter in this Ordinance referred to as the principal Ordinance) shall be and is hereby amended :—

Amendment
of section 27
of principal
Ordinance.

(1) by the insertion after the words “magistrate of the district” in sub-section (3) of the words “or any justice of the peace or commissioner of oaths”;

(2) by the addition thereto of the following new sub-section (4) :—

“ (4) Notwithstanding anything to the contrary in this Ordinance contained an owner of land shall be entitled to claim in addition to any other amount herein provided for and to recover from the owner of stock to be impounded trespassing fees according to the following scale :—

For every head of large stock	}	on fenced lands ...	1s.
		on unfenced lands ...	9d.
		on open veld	6d.
For every head of small stock	}	on fenced lands ...	2d.
		on unfenced lands or	
		open veld	1d.”

2. Section *thirty-four* of the principal Ordinance shall be and is hereby amended by the insertion, after the words “forty-two days” in the proviso, of the following words :—

Amendment
of section 34
of principal
Ordinance.

“in the case of stock with the exception of donkeys and in the case of donkeys for more than fourteen days.”

Ord. No. 10 Amendment
of 1926. of section 37
of principal
Ordinance.

3. Section *thirty-seven* of the principal Ordinance shall be and is hereby amended by the addition thereto of the following new sub-section (4) :—

“(4) In the case of donkeys it shall not be necessary for the poundmaster to publish the said notice of sale in the *Provincial Gazette* but the said notice shall be published at least once in a newspaper only as aforesaid within two days after impoundment. Sales of impounded donkeys shall be held within twelve days of the said notice subject to the provisions *mutatis mutandis* of sub-sections (1) (2) and (3) hereof.”

Short title.

4. This Ordinance may be cited for all purposes as the Pounds Amendment Ordinance, 1926, and shall be read as one with the principal Ordinance and any amendment thereof.

Ord. No. 11
of 1926.

AN ORDINANCE

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

(Assented to 21st July, 1926.)

(Date of operation, 28th July, 1926.)*

(English copy signed by Governor-General.)

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

PRELIMINARY.

Repeal of
Laws.

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

Interpreta-
tion of terms

2. In this Ordinance unless inconsistent with the context—

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

* Proclamation No. 47, *Provincial Gazette* dated 28th July, 1926, page 53.

**Ord. No. 11
of 1926.**

—
Section 2.

- “ Asiatic ” includes any person belonging to the native races of Asia, not being a Malay born and resident in any British Colony or Possession in South Africa, and not being an officer in the consular service of any Asiatic State or Dominion ;
- “ author of a nuisance ” shall mean the person by whose act, default or sufferance the nuisance is caused, exists or is continued ;
- “ by-law ” shall mean a by-law in force in a municipality and any outside area thereof made and approved under this Ordinance or under the authority of any law ;
- “ coloured person ” shall mean any person who is manifestly a coloured person not being a native or Asiatic as by this Ordinance defined ;
- “ commencement of this Ordinance ” shall mean the date on which this Ordinance came into operation ;
- “ Governor-General ” shall mean the officer administering the Government of the Union of South Africa acting by and with the advice and consent of the Executive Council thereof ;
- “ health committee ” shall mean a committee constituted under and by virtue of the provisions of Chapter IX of this Ordinance ;
- “ local authority ” shall mean and include a town council or village council or health committee ;
- “ magistrate ” shall mean the magistrate of a magisterial district or sub-district in which a municipality is situate, and in the case of a municipality situate within a portion of a magisterial district for which an additional magistrate has been appointed, the term “ magistrate ” shall include also such additional magistrate ;
- “ medical officer of health ” shall mean the person for the time being lawfully acting in the capacity either of medical officer of health or of assistant medical officer of health of the local authority, provided however that the term “ medical officer of health ” as used in section *sixty-one* shall not be deemed to include an assistant medical officer of health ;
- “ Minister ” shall mean the Minister of Public Health of the Union ;
- “ municipality ” shall mean the area or district placed under the control and jurisdiction of a town council or of a village council ;

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“ native ” means any person who is a member of an aboriginal race or tribe of Africa. Where there is any reasonable doubt as to whether any person falls within this definition, the burden of proof shall be upon such person ;

“ nuisance ” shall include—

(1) any premises or part thereof of such a construction or in such a state as to be offensive, injurious, or dangerous to health ;

(2) any street, stream, pool, lagoon, ditch, gutter, water-course, sink, cistern, water-closet, earth-closet, privy, urinal, cess-pool, drain, sewer, waste-water receptacle, slop-tank, dung-pit, ash-bin, ash-pit or manure heap so foul or in such a state or so situated or constructed as to be a nuisance, offensive or to be injurious or dangerous to health ;

(3) any well or water supply injurious or dangerous to health ;

(4) any tank or cistern used for the supply of water for domestic purposes so placed, constructed or kept as to render the water therein liable to contamination, causing or likely to cause risk to health or facilitate the breeding of mosquitoes ;

(5) any stable, cowshed, animal kraal, fowl house, or premises in which any animal or animals or bird or birds are kept in such a manner or in such numbers as to be offensive, injurious, or dangerous to health ;

(6) any accumulation or deposit of refuse, offal, manure or other matter which is offensive, injurious, or dangerous to health, or any offensive matter, refuse, offal or manure lying or being within fifty yards of any street, or contained in uncovered trucks or wagons standing at or being at any station or siding or elsewhere on a railway so as to be offensive, injurious, or dangerous to health ;

(7) any work, manufacture, trade or business causing or giving rise to smells or effluvia which are offensive or which are injurious to the health of the neighbourhood or so conducted as to be offensive, injurious, or dangerous to health ;

(8) (a) any house or part of a house so overcrowded as to be injurious or dangerous to the health of the inmates, or in which there is not for each person simultaneously occupying the same, whether by night or day, at least 300 cubic feet space and 36 square feet of

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floor space; provided that this sub-section shall not apply to the housing of natives on mine compounds;

(b) Any occupied dwelling for which a proper, sufficient and wholesome water supply is not available within a reasonable distance as under the circumstances it is possible to obtain;

(9) any school-house or any factory, workshop or workplace or portion thereof;

(a) which is not kept in a cleanly state and free from effluvia arising from any drain, privy, water-closet, earth-closet, urinal or other source of nuisance, or

(b) which is not ventilated in such a manner as to render harmless, as far as practicable, any gases, vapours, dust or other impurities generated in the course of the work carried on therein that are offensive, injurious, or dangerous to health; or

(c) in which the average proportion of carbonic acid in the air at about breathing level exceeds 10 volumes in 10,000 or, where gas or oil is used for lighting purposes, exceeds 18 volumes in 10,000, while such gas or oil is in actual use, or

(d) which is so overcrowded while work is carried on as to be injurious or dangerous to the health of those therein employed;

(10) any chimney sending forth smoke in such quantity or in such a manner as to be offensive, injurious, or dangerous to health;

(11) any churchyard, cemetery or other place of burial so situated or so crowded or otherwise so conducted as to be offensive, injurious, or dangerous to health;

(12) any other condition whatever which is offensive, injurious, or dangerous to health;

Provided that—

(a) a penalty shall not under any by-law or regulation be imposed on any person in respect of any accumulation or deposit necessary for or arising out of the carrying on of any business, trade or manufacture if the accumulation or deposit has not been kept longer than is necessary for the purposes of business, trade or manufacture, and the best available means have been taken for preventing injury or danger thereby to the public health, and

(b) in considering whether any dwelling-house

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- or part thereof which is also used as a factory or workshop, or whether any factory or workshop used also as a dwelling-house is a nuisance by reason of overcrowding, regard shall be had to the circumstances of such other use ;
- “ occupier ” shall include any person in actual occupation of land or premises without regard to the title under which he occupies, and, in the case of premises sub-divided and let to lodgers or various tenants, shall include the person receiving the rent payable by the lodgers or tenants whether on his own account or as agent for any person entitled thereto or interested therein ;
- “ outside area ” shall mean any land or interest in land held by a council for municipal purposes outside the municipality and not forming part of any other municipality ;
- “ owner ” shall include any person receiving the rent or profits of any land or premises from any tenant or occupier thereof, or who would receive such rents or profits if such land or premises were let, whether on his own account or as agent for any person entitled thereto or interested therein ;
- “ premises ” shall include any land, building, room, structure, tent, van, vehicle, stream, lake, dam, pool, lagoon, drain, ditch (open, covered or enclosed) whether built on or not and whether public or private ;
- “ Province ” shall mean the Province of Transvaal ;
- “ public place ” shall include any road, street, thoroughfare, foot pavement, footpath, sidewalk, lane, square, open space, garden, park, enclosed space vested in a town or village council under section *sixty-two* of this Ordinance ;
- “ public vehicle ” shall include any cab, cart, omnibus, jinricksha, trolley, motor vehicle and any other vehicle standing or plying for hire in any public place within the municipality ;
- “ registered midwife ” shall mean every person whose name appears in the register of midwives kept in accordance with section *forty* of the Medical, Dental, and Pharmacy Ordinance, 1904, and any amendment thereof ;
- “ regulation ” shall mean a regulation made by the Administrator under this Ordinance and in force in the area of jurisdiction of any local authority ;

- “sanitary inspector” shall mean and include any person for the time being lawfully acting in the capacity of sanitary inspector of the local authority ;
- “street” includes any street, road or thoroughfare shown on the general plan of a township or in respect of which the public have acquired a prescriptive or other right of way ;
- “street trading” shall include the hawking of newspapers, matches, flowers and other articles, the distribution of handbills or other advertisements, shoe-blackening and any other like occupation carried on in public places ; and “street trader” shall include any person who engages in any such occupation so carried on ;
- “town clerk” and “town treasurer” shall mean the persons for the time being lawfully acting respectively in the capacities of town clerk and town treasurer for the municipality ;
- “town council” shall mean a council constituted under and by virtue of the provisions of Chapter I of this Ordinance ;
- “Townships Act” shall mean the Townships Act No. 33 of 1907 (Transvaal) and any amendment thereof ;
- “village council” shall mean a council constituted under and by virtue of the provisions of Chapter VIII of this Ordinance.

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

4. (1) All taxes payable under the law now in force in respect of erven within the municipal boundaries shall form part of the revenue of the council of the municipality wherein the said taxes are imposed ; provided that such taxes shall not be collected within any municipality unless the Administrator under the provisions of section *one hundred and forty-four* of this Ordinance shall proclaim that the said taxes shall be collected in the municipality, and for the period mentioned in such proclamation. Non-application of certain Laws

(2) (a) Save as is provided in this Ordinance, the provisions of the Pounds Ordinance, 1913, and any amendments thereof shall not apply to any pound established by a local authority nor to any area under the jurisdiction of a health committee.

(b) The provisions of the Registration and Control of Dogs Act 1907, and any amendment thereof, shall not apply within any municipality, nor within any area of jurisdiction of a health committee, as soon

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as regulations imposing a tax upon the keeping of dogs and for dealing with dogs have come into operation in such area.

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

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

**Division of
Ordinance.**

5. This Ordinance is divided into eleven chapters relating to the following matters :—

- Chapter I—Constitution of Town Councils ;
- Chapter II—Mayor and Deputy-Mayor of Town Councils ;
- Chapter III—Meetings and Proceedings of Municipal Councils ;
- Chapter IV—Conduct of Members and Servants of Municipal Councils ;
- Chapter V—Financial ;
- Chapter VI—Powers and Duties of Municipal Councils ;
- Chapter VII—Provisions as to Licences and By-laws ;
- Chapter VIII—Village Councils ;
- Chapter IX—Health Committees ;
- Chapter X—Special Powers of Town Councils ;
- Chapter XI—General.

Chapter V is sub-divided into two parts relating respectively to (I) Revenues and Borrowing Powers, (II) Accounts and Audit ;

Chapter VI is sub-divided into two parts relating respectively to (I) General Powers, (II) Works ;

Chapter VII is sub-divided into two parts relating respectively to (I) Licences, (II) By-laws ;

Chapter VIII is sub-divided into two parts relating respectively to (I) Constitution and Election of Village Councils, (II) Powers and Duties of Village Councils ;

Chapter X is sub-divided into three parts relating respectively to (I) Certain Special Provisions, (II) Sewerage and Drainage Works, (III) Other Works ;

Chapter XI is sub-divided into three parts relating respectively to (I) Powers of Administrator in Local Authority's Default or in Emergency, (II) Reconstitution of Local Authorities, (III) Miscellaneous.

CHAPTER I.

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CONSTITUTION OF TOWN COUNCILS.

6. (1) The councils of municipalities lawfully established prior to the commencement of this Ordinance and mentioned in the Second Schedule to this Ordinance, shall be deemed to be town councils constituted under this Ordinance, and shall be elected under the provisions of the Municipal Elections Ordinance 1912 and any amendment thereof, and such councils shall under the name of the town council of.....(the name of the town by which each council was designated prior to the commencement of this Ordinance) be each and severally a body corporate with perpetual succession and a common seal (with power to alter and change such seal from time to time), and shall by such name be capable in law of suing and being sued, of purchasing, holding, and alienating land, and generally of doing and performing such acts and things as bodies corporate may by law do and perform, subject to the provisions of this Ordinance and any other law.

Establishment of town councils for certain existing municipalities.

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

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

Areas of existing municipalities

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

Outside areas.

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Members of
town
councils to
remain in
office

Power of
Adminis-
trator in
regard to
municipi-
palities.

8. The members of every council of a municipality mentioned in section *six* of this Ordinance and the mayor and deputy-mayor thereof shall continue in office under the provisions of the Municipal Elections Ordinance 1912 or any amendment thereof, as if such council had not been reconstituted under the provisions of this Ordinance.

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

(1) (a) declare any town, village, or other area to be a municipality under the jurisdiction of a town council, and constitute for such municipality a town council to be elected in the manner provided by the Municipal Elections Ordinance 1912 and any amendment thereof.

(b) Every town council so constituted shall under the name of the town council of be each and severally a body corporate with perpetual succession and a common seal (with power to alter and change such seal from time to time), and shall by such name be capable in law of suing and being sued, of purchasing, holding, and alienating land, and generally of doing and performing such acts and things as bodies corporate may by law do and perform, subject to the provisions of this Ordinance and any other law.

(2) assign a name to such municipality;

(3) describe the boundaries thereof;

(4) unite any two or more townships, villages, municipalities, or areas under the jurisdiction of different classes of local authorities so as to form one municipality;

(5) alter and adjust the boundaries of adjoining municipalities, and determine any questions arising out of such alteration and adjustment;

(6) sever any portion of a municipality from the municipality of which it forms a part, and constitute the same a separate municipality or health committee area, or annex the same to any other municipality or health committee area, and from time to time make any apportionment of property rights and liabilities and give any directions as to any matters and things that may be necessary in order to do justice between the municipalities and health committees concerned;

(7) alter from time to time the boundaries of any municipality, and in cases where any area

is to be excised from the municipality order the deletion as from the date of such excision from any voters' list of the names of voters residing or qualified in respect of any immovable property in such area ;

(8) upon declaring any town or village or other area to be a municipality or upon the constitution of a health committee under Chapter IX of this Ordinance or upon the alteration of the boundaries of a municipality or health committee area exempt any part of the area of such municipality or health committee area from the provisions of the Local Authorities Rating Ordinance 1912 and any amendment thereof and, thereafter, in whole or in part, withdraw such exemption ;

(9) withdraw any exemption from rating whether such exemption was effected under this or under any other law ;

(10) appoint any person or persons to inquire into and report upon the advisability of the exercise by the Administrator of any of the powers conferred on him by this section and may confer on such person or persons the powers, jurisdiction, and privileges of the Commissions Powers Ordinance 1902 ; notice of such appointment and particulars of the power which the Administrator proposes to exercise shall be published at least once a week during three consecutive weeks in the *Provincial Gazette* and in a newspaper circulating in the neighbourhood where it is proposed to exercise such power or powers ;

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

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

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

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- Ord. No. 11 of 1926.** How such powers to be exercised after petition presented.
- 10.** The Administrator may exercise any of the powers by this Chapter conferred after the presentation of such petition as is hereinafter described and after the publication, at least once a week during three consecutive weeks, of the substance and prayer of such petition, in the *Provincial Gazette* and in a newspaper circulating in the neighbourhood where it is proposed to exercise such powers, provided that such publication shall not be necessary when the Administrator shall have appointed any person or persons under the provisions of sub-section (10) of the last preceding section to inquire into the subject matter of any such petition and shall have notified such appointment and the subject of the inquiry in terms of that sub-section. It shall be in the discretion of the Administrator to refuse the prayer of any such petition or to grant the whole or any part thereof.
- How petitions to be signed.
- 11.** Every petition for the constitution of a town council under this Ordinance shall—
- (1) if a municipality already exists for the area for which a town council is desired, be signed by not less than two-thirds of the members of the village council of such municipality ;
 - (2) if no such municipality exists, be signed by not less than fifty persons entitled to vote for the election of members of the health committee for the area for which a town council is desired, or if a health committee, whose members are appointed by the Administrator, exists, or no health committee exists, then by fifty persons residing within such area and included on any register for the time being in force of persons qualified to vote at an election of members of the Provincial Council for the electoral division comprising such area.
- Particulars to be stated in petitions.
- 12.** Every petition shall state precisely to what extent the exercise of the powers by this Chapter conferred upon the Administrator is desired by the petitioners, and shall pray for such specific exercise thereof, and may also pray for any partial exercise of such powers and every petition for the constitution of a municipality shall state the proposed boundaries thereof.
- Petitions may be opposed.
- 13.** It shall be competent for any persons interested, within thirty days of the first publication in the *Provincial Gazette* of the substance and prayer of a petition as provided in section *ten*, or of the appointment of a commissioner or commissioners under sub-section (10) of section *nine* to present to

the Administrator or to such commissioner or commissioners as the case may be, any counter-petition setting forth the grounds of opposition to the exercise by the Administrator of any of the powers conferred by this Chapter.

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14. The Administrator may from time to time exercise any of the powers conferred by this Chapter without the presentation of any petition, provided that unless a commissioner or commissioners be appointed under the provisions of sub-section (10) of section *nine* before the exercise of any such power, notice be given once a week during three consecutive weeks in the *Provincial Gazette* and in a newspaper circulating in the neighbourhood where it is proposed to exercise such power or powers stating the intention of the Administrator to exercise such powers. If within thirty days after the date of the first publication of such notice or after due inquiry by a commissioner, if one be appointed, no sufficient cause shall be shown why the power proposed to be exercised shall not be exercised, the Administrator may exercise such power.

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

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

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

CHAPTER II.

MAYOR AND DEPUTY-MAYOR OF TOWN COUNCILS.

16. (1) At the first meeting of the council held after the first election of councillors referred to in the Municipal Elections Ordinance, 1912, or any amendment thereof, and thereafter at the first meeting of the council held after every annual election of councillors, the councillors present shall elect one councillor to be mayor who shall be styled mayor of the municipality for which he is so elected, and who shall forthwith enter upon his office and continue therein until his successor be appointed after the next ensuing annual election of councillors, unless his office be sooner vacated; and on any election of mayor the chairman of the meeting, if a member of the council, shall have a deliberative vote only; provided that if the office of the outgoing mayor has been vacated by reason of the expiry of his period of office as councillor he shall nevertheless preside at the meeting until a mayor or deputy-mayor

Election of mayor.

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shall be elected; but the quorum required to be present at such meeting shall be deemed to be exclusive and not inclusive of such outgoing mayor who shall not be entitled to any vote. In case the election cannot be determined owing to the equality in the votes recorded for two or more candidates it shall be determined by lot by the chairman.

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

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

(1) Within fourteen days after the first election of councillors under the Municipal Elections Ordinance 1912 or any amendment thereof, (hereinafter in this section referred to as the Elections Ordinance), and thereafter within fourteen days after the annual election of councillors, a mayor shall be elected by the registered voters on the municipal roll.

(2) Such election shall be conducted *mutatis mutandis* in accordance with the provisions of the Elections Ordinance.

(3) Candidates for mayor shall be nominated from amongst the councillors within three days after the annual election.

(4) A requisition as prescribed in section *thirty-one* of the Elections Ordinance and signed by not less than twenty-five registered voters of the municipality shall be sent to the town clerk within the time prescribed by sub-section (3) of this section together with the acceptance thereof by the candidate. If only one councillor be requisitioned he shall be declared by the town clerk to be duly elected and shall thereupon assume office as mayor, and if more than one councillor be duly requisitioned, then an election shall take place as provided in sub-section (2) of this section

(5) It shall be unlawful for any candidate for the office of mayor to employ agents or canvassers, or to hold meetings or to advertise or in any way to solicit votes or support, and contravention of any of these provisions will invalidate the election of such candidate.

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of 1906.**

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

Election and
duties of
deputy-
mayor

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

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

Chairman of
meeting.

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such may do, until either the mayor or deputy-mayor is again able to act.

Mayor's and
councillors'
allowances.

19. (1) The council may vote out of the revenue of the council as a personal allowance payable monthly to the mayor such sum as it may consider sufficient having regard to the position. The amount of such allowance shall be fixed at the commencement of the mayor's term of office and shall not be altered during the said term of office and 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.

(2) The council may in addition to any allowance granted under sub-section (1) of this section grant as a further allowance payable monthly to the mayor for general purposes such sum as it may consider sufficient having regard to the position. The amount of such allowance shall be fixed at the commencement of the mayor's term of office and shall not be altered during the said term of office. The expenditure of such allowance shall not be deemed to fall within the provisions of Chapter IV of this Ordinance and shall be subject to audit.

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

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

CHAPTER III.

MEETINGS AND PROCEEDINGS OF MUNICIPAL COUNCILS.

Meetings of
council.

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

Special
meetings.

21. The mayor may at any time and shall, at the request in writing of not less than one-third of the members of the council, or where the council consists of more than eighteen members at the

request in writing of not less than six members, call a special meeting of the council; provided that the notice of any special meeting shall specify the object of the meeting.

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

Notices of meetings.

23. Every meeting of the council shall be open to the public and the press; provided that this section shall not apply to any committee of the council or to a committee of the whole council.

Meetings of council open to the public.

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

Quorum.

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

Casting vote of chairman.

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

Adjournment of meetings.

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

Minutes.

**Ord. No. 11 Committees.
of 1926.**

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

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

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

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

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

**Finance
committee**

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

No expenditure shall be incurred unless provision has been made therefor on a detailed estimate submitted by the finance committee and approved by the council and every payment from the funds of the council shall be made by the finance committee who shall submit at each ordinary meeting of the council for information a schedule of all payments made.

**Meetings of
committees.**

30. Every committee appointed by the council may meet from time to time, and may adjourn from place to place, as it may think proper, and no business shall be transacted at any meeting of the committee unless the quorum of members (if any) fixed by the council, or if no quorum be fixed, two members be present. At all meetings of the committee the chairman if present shall preside and in the event of his absence the vice-chairman, if any, and if neither chairman nor vice-chairman be present one of the members present shall be appointed to take the chair and all questions shall

be determined by a majority of votes of the members present, and, in the event of an equal division of votes, the member occupying the chair shall have a second or casting vote.

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31. Any councillor who, without having first obtained leave from the council, shall absent himself from three consecutive ordinary meetings of the council and any member (other than an *ex officio* member) of the finance or any other standing committee appointed by the council who without first having obtained leave either from the council or the committee shall absent himself from three consecutive ordinary meetings of the committee shall become disqualified from continuing to be a councillor. The town clerk shall at the next ordinary meeting of the council after any such continued absence of a councillor report the same, and the mayor shall thereupon declare the seat of such councillor vacant.

Absence of
councillors
from
meetings.

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

Meetings to
be deemed
duly held.

33. (1) The minutes of proceedings of the council shall at all reasonable times be open to the inspection of any inhabitant of the municipality who may obtain a copy thereof or an extract therefrom on payment of the fee (if any) prescribed by resolution of the council.

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

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

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

34. (1) Except in cases of emergency or in special cases of necessity approved by the finance committee before any contract for the executing of any work or furnishing of any goods to the value or amount of one hundred pounds or upwards is entered into by the council, fourteen days' clear notice at the least shall be given in a newspaper circulating in

Contracts for
execution of
work or sup-
ply of goods.

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the municipality, or, if there be no such newspaper, then by affixing outside the principal door of the municipal offices and in two or more other conspicuous places within the municipality, a notice expressing the purpose of such contract and inviting any person willing to undertake the same to make proposals for that purpose to the council.

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

(3) The council or the committee thereof duly authorized by the council shall accept the proposal which having regard to all the circumstances appears to them to be most advantageous, and may take security for the due and faithful performance of every such contract or the council may decline to accept any proposal.

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

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

Provisions as
to arbitration.

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

Authentica-
tion and
execution of
documents.

36. (1) Every order notice or other document requiring authentication by the council shall be sufficiently authenticated, if signed by two councillors or by the town clerk or by any officer of the council duly authorized thereto by any resolution, by-law, or regulation.

(2) Every contract and all instruments and documents which the council is lawfully empowered to execute shall be deemed to be duly executed by or on behalf of the council if signed by the mayor

or deputy-mayor of the municipality or by any one or more councillors or by the town clerk thereto authorized by resolution of the council.

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

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

CHAPTER IV.

CONDUCT OF MEMBERS AND SERVANTS OF MUNICIPAL COUNCILS.

38. (1) No councillor or his partner or his employer or employee shall act for reward as an advocate, attorney, notary, conveyancer or law agent either on behalf of or against the council, and no councillor or his partner or his employer or employee shall act for the council for reward as medical practitioner, veterinary surgeon, architect, engineer, surveyor, accountant, auctioneer, valuer or appraiser, or in any other professional capacity; provided that nothing in this section shall apply to the payment to any medical practitioner of such fee as is prescribed by law, regulation, or by-law for the rendering to the council of a certificate of notification of any case of infectious disease, and provided further that a medical practitioner may act for the council if requested so to do by a majority of two-thirds of the council and with the consent of the Administrator, and provided further, that in the case of any arrangement existing at the commencement of this Ordinance whereby any employer of a councillor is acting in a professional capacity for the council, such arrangement may continue anything to the contrary in this section notwithstanding until the expiry of the period for which such councillor was elected under any law repealed by this Ordinance or under the Municipal Elections Ordinance, 1912, and any amendment thereof.

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

(2) Any councillor contravening this section shall be liable on conviction to a fine not exceeding fifty pounds, and the court before which he is convicted may order that he shall refund to the council the

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amount of any fees received by him in respect of his acting as aforesaid and that he shall vacate his seat, and his seat shall thereupon become vacant.

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

39. (1) The provisions of this section shall apply to the councils of the municipalities mentioned in the third schedule to this Ordinance and to such other councils as the Administrator may from time to time assign the said provisions by Proclamation in the *Provincial Gazette*.

(2) No councillor shall either on his own behalf or on behalf of his wife or on behalf of a partnership in which he or his wife is interested contract with the council for the performance by the council or such councillor or partnership of any work or as vendor, purchaser, or otherwise, and any contract or bargain entered into by or on behalf of the council in which a councillor is in any way directly or indirectly interested shall be null and void, and any sub-contract or subsequent bargain entered into by any councillor or in which he is in any way directly or indirectly interested in respect of work to be done or goods to be supplied or property to be transferred under any contract entered into by the council shall also be null and void; provided that no contract or bargain shall be avoided or set aside under the provisions of this sub-section where a councillor is merely interested in such contract or bargain as shareholder in a company having a share capital or where the contract is for the supply by the council of any thing or the rendering by it of any service at the ordinary published charges for such supply or service or where a councillor purchases land or goods disposed of by the council by public auction.

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

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

40. (1) The provisions of this section shall apply to each of the councils constituted or hereafter constituted under this Ordinance to which the provisions of the last preceding section have not been applied.

Councillors
contracting.

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(2) Save as in section *thirty-eight* of this Ordinance and in section *six* of the Municipal Elections Ordinance 1912 (as amended by section *one* of Ordinance No. 13 of 1925) and in section *one hundred and twenty-five* hereof provided, no councillor shall be prohibited by reason of his office from contracting with the council either as vendor purchaser or otherwise nor shall any contract or bargain entered into by or on behalf of the council or any sub-contract or subsequent bargain in connection with any such contract in which any councillor shall be in any way directly or indirectly interested be on such account avoided or set aside nor shall any councillor so contracting or being so interested be liable save in the case hereinafter mentioned to account to the council for any profit realized by any such contract or bargain by reason of such councillor holding his office or by reason of the fiduciary relation thereby established.

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

(a) by any councillor in the case of any contract or bargain which the council may expressly authorize to be entered into with such councillor in his own name; or

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

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

(5) It shall be the duty of the town treasurer or if there be no town treasurer of the town clerk to prepare every month according to the best information which he is able to obtain a statement showing all the contracts or bargains entered into or authorized by the council during the preceding month in which any councillor is interested otherwise than as a shareholder in a limited liability company and the names of the councillors so interested and to lay such statement before the council at the first meeting held after the same has been prepared and such statement shall be included in the minutes of such meeting.

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

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

41. (1) A councillor shall not in or before the council or any committee thereof be present at or take part in the discussion of or vote upon any expropriation or purchase of land by the council, claim, application for licence, arrangement, business transaction, negotiation, plan of building, scheme, matter, or legal

proceedings in which he, his wife, his partner, or any person by whom he or his partner is employed, or whose attorney or agent he or his partner is, has directly or indirectly any pecuniary interest.

Any councillor contravening the provisions of this sub-section shall be liable on conviction to a fine not exceeding fifty pounds, and the court before which he is convicted may order that he shall vacate his seat, and his seat shall thereupon become vacant ; provided that the court shall not make such order if it be proved that such contravention arose from mistake or inadvertence and did not arise from any want of good faith.

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

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

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

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

(a) before any valuation court appointed by the council under the Local Authorities Rating Ordinance 1912 or any amendment thereof ; or

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

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

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

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

43. Any councillor who is required to vacate his seat under any of the provisions of this chapter shall not be capable for a period of three years thereafter of being elected a councillor for any municipality, or of holding a commission as justice of the peace, or of sitting on any valuation or licensing court.

Disqualification where seat is vacated.

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

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

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

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

45. (1) No officer or servant of the council shall in any wise be concerned or interested in any bargain, contract, or arrangement whatsoever made by or with the council. If any such officer or servant is so concerned or interested or, under cover of his office or employment, exacts or accepts any promise, fee, or reward whatsoever other than his proper salary, wages, and allowances, he shall be incapable of afterwards holding or continuing in any office or employment under this Ordinance and shall be liable to a fine not exceeding fifty pounds. Any profits, fee, or reward, which may have accrued to such officer or servant or which may accrue to him by reason of such bargain, contract, or arrangement,

may be recovered by the council before any court of competent jurisdiction.

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

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

Exemption of servants and members of council from personal liability.

CHAPTER V

FINANCIAL.

PART I.—REVENUES AND BORROWING POWERS.

47. The revenue of the council shall consist of— Revenue of council.
- (a) all rates levied by the council;
 - (b) all fines imposed by a competent court and forfeited bail bonds for the contravention of by-laws, regulations, or the provisions of this Ordinance;

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(c) all fees and duties imposed by the council and licence moneys on licences issued by the council and all market dues, tolls, rents, pound fees, and taxes on dogs chargeable or leviable by the council ;

(d) all charges made by the council for the supply of electricity, gas, water, tramway, bus, and sanitary services, and also all charges or profits arising from any trade, service, or undertaking carried on by the council under any powers vested in it ;

(e) all other fees moneys or charges recoverable by the council or to which the council is entitled under this Ordinance or any other law.

Recovery of
sanitary
rates.

48. (1) All moneys due for sanitary services shall be recoverable from the owner and occupier jointly and severally of the premises in respect of which the services were rendered, provided that the owner shall in the absence of any agreement to the contrary, be entitled to recover from the occupier of the said premises for the time being any such charges paid by him in respect of the occupation of such occupier.

(2) When any charges due in respect of any premises for sanitary services shall remain unpaid for a period of six weeks after the date on which written notice shall have been given by the council to the owner or occupier of his indebtedness, the council may at any time within twelve months after such date proceed jointly and severally against the owner and occupier for the time being of such premises for the amount of such charges or any part thereof, and may recover the same from such owner or occupier ; provided that every such occupier shall be entitled to deduct from any rent or other amount payable by him to the owner of the premises any portion of such charges paid by or recovered from him under this sub-section which the owner could not lawfully have required him to pay and the production of the receipts for such portion of such charges so paid or recovered from such occupier shall be a good and sufficient discharge for the amount so paid or recovered as payment of rent or other amount.

(3) The council may charge and recover interest on arrear charges for sanitary services at a rate not exceeding seven per centum per annum.

49. No transfer of any premises within a municipality shall be passed or registered before any registration officer until a written statement in the form shown in the Fourth Schedule to this Ordinance and signed and certified by the town clerk or other officer authorized thereto by the council, shall be produced to such registration officer, nor unless such statement shows—

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

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(a) that all charges for a period of two years immediately preceding the date of application for transfer due in respect of such premises for sanitary services and lawfully made under this Ordinance or any by-laws or regulations; and
(b) that all charges (if any) for a period of two years immediately preceding the date of application for transfer due in respect of such premises on account of rates imposed under the Local Authorities Rating Ordinance 1912 or any amendment thereof, or for erf tax;

(c) that all sums (if any) due on account of any expenses incurred or advances made by the council under sub-section (4) of section *eighty-one*, sub-sections (3) and (4) of section *eighty-three*, sub-section (10) of section *one hundred and fifty-six*, and sub-section (1) of section *one hundred and sixty-seven* of this Ordinance or under Part III of the Johannesburg Municipal Ordinance, 1905;

have been paid to the council.

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

50. The books and registers of the council and any extracts therefrom certified by the town clerk or other officer authorized thereto by the council shall in any proceedings for the recovery of sanitary fees or charges for the supply of gas, water, or electricity, or for any other municipal service, be *prima facie* evidence of the amounts due for the same.

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

51. (1) The council may by a majority of the councillors present at a meeting specially convened for the purpose (provided the number of members voting in the majority is equal to a majority of the full council) from time to time raise loans in such amounts and on such conditions as may be approved by the Administrator subject to the provisions of this Ordinance.

Borrowing powers.

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Section 51.

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

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

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

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

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

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

(8) Notwithstanding anything to the contrary contained in sub-section (17) of section *fifty-one* of Ordinance No. 3 of 1903 the security for bills issued

under the provisions of that Ordinance shall be the security provided for by sub-section (2) of this section.

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(9) Notwithstanding anything contained in this section Ordinance No. 3 of 1903 [as amended by Ordinances No. 23 of 1903 and No. 1 (Private) of 1904] or any further amendment of that Ordinance shall continue to apply to the municipality of Johannesburg, and it shall not be lawful for the council of that municipality to borrow money by means of stock or bills except in manner provided by that Ordinance.

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

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

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

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

(3) It shall be the duty of the town treasurer to compile forthwith registers of all the movable assets and plant of the council.

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PART II.—ACCOUNTS AND AUDIT.

Accounts to
be kept.

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

Financial
year.

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

Council to
frame annual
estimates.

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

Adminis-
trator to
appoint
inspectors
and auditors.

58. (1) 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 council and the council shall, by the town clerk or other officer authorized by the council, produce and lay before the person or persons so appointed all books and accounts of the municipality with all vouchers in support of the same and all books, papers and writings in their power relating thereto.

(2) When no person or persons other than those appointed under the provisions of this section are appointed auditors of the accounts of the council under the provisions of section *one hundred and fifty-five* of this Ordinance, the council 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 council for any one financial year, such sum as the Administrator may from time to time determine not being more than 1 per cent. of the total expenditure of the council which has been brought to account and certified by such auditor for that financial year provided that such sum shall in no case be less than five pounds, and provided further, that where for the purpose of an effective audit the accounts of any municipality require to be completed, adjusted, or balanced by the auditor conducting the examination, a proportionately higher fee, as the Administrator may determine, shall be charged and paid.

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

- (a) the accounts of the council are in order ;
- (b) separate accounts of all trading undertakings (if any) have been kept ;
- (c) the accounts issued present a true and correct view of the financial position of the council, of its transactions, and of the results of the trading (if any) ;
- (d) due provision has been made for the redemption and repayment of any moneys borrowed by the council whether in the form of municipal stock, bills, or otherwise ;
- (e) the amounts set aside for depreciation and obsolescence of plant are adequate ;
- (f) the value of the assets of the municipality has been fairly stated ;
- (g) all his or their requirements and recommendations (as auditor or auditors) have been complied with and carried out.

(4) It shall be the duty of the town clerk immediately upon receipt from the provincial secretary of the accounts of the council and the audit inspection, report or reports thereon or copies thereof to submit the same to the mayor and/or chairman of the finance committee and thereafter to lay the same before the council at its next ensuing meeting.

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

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**Powers of
auditors.**

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of 1926.

Auditors'
power to
surcharge.

done or performed by him, or from being successively convicted and punished for every distinct commission of the same act or offence.

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

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

CHAPTER VI.

POWERS AND DUTIES OF MUNICIPAL COUNCILS.

PART I.—GENERAL POWERS.

Appointment
of town
clerk and
other officials.

61. (1) Subject to the provisions of sections *twelve* and *fourteen* of the Public Health Act, 1919, the council shall from time to time appoint a town clerk and a medical officer of health, who shall be a person duly registered as a medical practitioner under any law for the time being in force in this Province governing the registration of medical practitioners, and may also

appoint such other officers as it may consider necessary, and may pay such salaries and allowances to any such officers as it may determine ; and, unless it shall be otherwise stipulated in the contract with or in the appointment of an officer of the council it may at any time remove such officer upon notice of not less than one month or, in case of misconduct, immediately without notice ; provided, however, that no officer holding the post of town clerk, town treasurer, town engineer, or medical officer of health shall be removed from office unless and until such removal shall have been decided upon by a majority of councillors present at a meeting specially convened for the purpose, and provided that the number of members voting in the majority is equal to a majority of the full council, and provided further that in the case of a medical officer of health the Minister has notified to the council his approval of such removal.

(2) No person may be appointed hereunder who is a member of the council or who has been such a member during the preceding six months.

62. The council shall have the control and management of all— Public places
vested in
council.

- (a) roads, streets, thoroughfares, including foot pavements, footpaths, side-walks, and lanes ;
- (b) squares and other open spaces, gardens, parks, and other enclosed spaces ;
- (c) bridges, culverts, and ferries ;
- (d) dams, canals, reservoirs, water-courses, and water-furrows ;

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

For the purposes of this section—

- (i) the expression “ set apart and appropriated by proper authority ” shall mean the filing in the Deeds Office or other registration office of any township plan approved by the Surveyor-General on which are marked such roads, streets, squares, to which the public have a common right of user ;

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(ii) the term "vested in the council" shall mean the statutory grant to the council of a servitude for the purposes mentioned in this section over the property so vested but shall not include the *dominium* of such property, except when by any law such *dominium* expressly passes to the council.

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

63. (1) Anything to the contrary in this Ordinance notwithstanding the council may, with the consent of the Administrator, set apart on any square or portion of a square or any other open space or portion thereof vested in the council under the last preceding section, a site or sites for the erection of public or municipal buildings and/or for playground purposes in connexion with any public school or schools established and maintained under the Education Act, 1907 (Transvaal) or any amendment thereof, and cause such buildings to be erected and maintained, or permit the same to be erected and maintained by the Government or Provincial Administration on sites so set apart, and cause or permit such sites to be fenced; provided that the council or Government or Provincial Administration (as the case may be) shall have or obtain the *dominium* of such site or sites, and shall cause to be defined and registered in manner by law prescribed the sites so set apart; provided further that no site so set apart shall be sold, let, or otherwise disposed of for any other purpose than public or municipal buildings or playground purposes as aforesaid; provided also that in respect of any site so set apart which shall not be used for a period of ten years for the erection and maintenance of a building for a public or municipal purpose or for playground purposes as aforesaid, the consent of the Administrator aforesaid may be withdrawn and thereupon the Registrar of Deeds or other registration officer shall, upon the application of the Administrator, note in his registers the fact that such consent is withdrawn.

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

(2) Where a site on any square or portion of a square or on any other open space or portion thereof has been set apart by the council under the last preceding sub-section for a school boarding hostel

it shall be lawful for the Government or the council (as the case may be) subject to the two last-mentioned provisos of the said sub-section, to transfer the site so set apart to any person or body of persons responsible for the establishment and maintenance or erection of such school boarding hostel.

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64. Anything to the contrary in this Ordinance notwithstanding the council may at all times, and upon such notice as it shall deem fit, and for any purpose whatsoever close temporarily any square or other open space, gardens, parks and other enclosed spaces vested in the council, and may close temporarily or permanently, for any particular class of traffic or temporarily for all traffic, any street, road or thoroughfare vested in the council, or temporarily divert any such street, road or thoroughfare, for the purpose of executing repairs, or for any other purpose, in the discretion of the council; provided that where any such closing is permanent the approval of the Administrator must first be obtained and provided further that during any temporary closing of any public place hereunder the council may let or grant the temporary use thereof to any person or body of persons subject to any such conditions as the council may decide.

Power to
close public
places
temporarily,
etc.

65. The council may, anything to the contrary in this Ordinance notwithstanding, permanently close or divert any street, provided that the council shall, in the exercise of such power, be subject to the following conditions and restraints, that is to say:—

Power of
council to
close or
divert
permanently
streets.

(1) Before the council shall sanction the closing or diversion, not less than fourteen days notice shall be given at a meeting of the council of the intention to move therefor.

(2) Before the closing or diversion is carried out, the council shall prepare a plan showing the nature thereof, and shall give notice of the proposed closing or diversion not less than sixty days before its commencement to the Administrator and by publication in the *Provincial Gazette* and in one or more newspapers circulating in the municipality, as well as by a sufficient number of conspicuous placards posted on or near the street which it is proposed to close or divert; the notice shall set forth a place where the said plan shall be open for inspection at all reasonable hours; the council shall further at least thirty days before such closing or diversion takes place serve a copy of such notice on such of the owners or reputed owners, lessees or reputed lessees, and occupiers

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Section 65.

of all property abutting upon the portion of the street which it is proposed to close or divert, whose addresses can after reasonable inquiry be ascertained.

(3) It shall be competent for any such owner, lessee, or occupier or any other person aggrieved by such closing or diversion to serve upon the council within the period of sixty days aforesaid a claim in writing for compensation in consequence of such closing or diversion, and the council shall make compensation to such person for any damage occasioned to him thereby, the amount of such compensation in default of agreement being determined by arbitration; provided that in assessing the amount of compensation payable to any person hereunder the benefit or advantage derived or to be derived by such person by reason of such closing or diversion shall be taken into account.

(4) If any person interested as owner, lessee, or occupier in any property abutting on the street, which it is proposed to close or divert, or any other person aggrieved by such closing or diversion shall at any time within the period of sixty days aforesaid serve written notice on the Administrator of any objection to such closing or diversion, then, unless such objection be withdrawn, such closing or diversion shall not be carried out without the sanction of the Administrator.

(5) After the serving of any such objection the Administrator may appoint a commission of one or more persons to make an inquiry into the proposed closing or diversion and the objection thereto, and to report thereon; and on receiving the report of such commission the Administrator may make an order, disallowing the proposed closing or diversion, or allowing it with such modification (if any) as he may deem necessary.

(6) If the closing or diversion be allowed by the Administrator or if there be no objection to it under sub-section (4) of this section and the council proceed to carry out such closing or diversion, it shall, on completion of the work, give notice thereof to the Administrator, who shall, after due inquiry whether the closing or diversion has been properly effected in accordance with this section, notify the Surveyor-General and the Registrar of Deeds or other registration officer that the closing or diversion

has been properly effected under this Ordinance and the Surveyor-General shall on being supplied by the council with a diagram framed by an admitted land surveyor, showing all details of the streets closed or diverted cause such amendments to be made in the general plan of the township as are necessary to show such closing or diversion, and the Registrar of Deeds or other registration officer shall thereupon make corresponding entries in his registers.

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Such conditions and restraints shall not apply in the case of any closing or diversion of a street which is authorized under the provisions of the Local Authorities Roads Ordinance 1904 or any amendment thereof.

The expression "street" as used in this section shall include a street, road, thoroughfare, footpath, sidewalk, or lane vested in the council under section *sixty-two* of this Ordinance.

66. Anything to the contrary in this Ordinance notwithstanding the council may, with the consent of the Administrator, and subject to such conditions as he may impose, close permanently either in whole or in part, any square, open space, garden, park, or other enclosed space vested in the council under section *sixty-two* of this Ordinance; provided that with regard to the exercise of the power hereby conferred upon the council the provisions of subsections (1) to (6) inclusive of the immediately preceding section shall *mutatis mutandis* apply; provided further that, if the conditions imposed by the Administrator include the setting apart of other areas in lieu of those closed the Administrator shall notify the Surveyor-General and the Registrar of Deeds to that effect; and the Surveyor-General shall, on being supplied, if necessary, by the council, with a diagram framed by an admitted land-surveyor, showing all details of the said new areas, endorse on the general plan of the township or on the diagram of the land on which the said areas have been selected, as the case may be, that such areas are squares or open spaces or gardens or parks, and the Registrar of Deeds shall make corresponding entries in his registries and such endorsements on the title-deeds as may be necessary. Thereupon such squares, open spaces, gardens or parks as the case may be shall be deemed to be appropriated and set apart by proper authority as defined in section *sixty-two* hereof and the control and management thereof shall vest in the council.

Power to
close certain
other public
places
permanently.

Ord. No. 11
of 1926. Numbering of
houses and
naming of
public
places.

67. (1) The council may from time to time cause the houses, buildings, or erections fronting upon all or any public places to be marked with such numbers as it thinks fit, and may cause the name, by which any public place is to be known, to be put up or painted on a conspicuous part of any house, building, fence, wall, or place fronting thereon, and may further at its discretion change or vary any such number or name, whether or not such number or name existed before the commencement of this Ordinance, and any change or variation in the name of any public place shall forthwith be notified by the council to the Surveyor-General who shall make the necessary alterations on the general plan of the township. Such changes or variations shall also forthwith be notified by the council to the Postmaster-General.

(2) Any person destroying, pulling down, or defacing any such number or name, or, without the permission of the council, putting up any number or name different from the number or name put up by the council, shall be liable on conviction to a fine not exceeding ten pounds.

Power to
enter into
contracts.

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

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

Midnight
privileges to
restaurants,
etc.

69. Notwithstanding anything to the contrary in section *four* of the Shop Hours Ordinance 1923, and any amendment thereof, the councils of the municipalities of Pretoria and of Johannesburg, and of any other municipality to which the Administrator shall by proclamation in the *Provincial Gazette* apply the provisions of this section, shall be empowered to grant permission to persons holding a licence in respect of any premises licensed as a tearoom, café,

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coffee-room, or restaurant to keep such premises open to the public between such hours after the latest closing hour prescribed for any such shop under the said Ordinance and subject to such conditions as the council may think fit. The council may charge such extra fee for any privilege granted hereunder as may be prescribed by by-law. Any permission granted under the provisions of this section may at any time be modified or withdrawn.

70. The council may establish pounds, but may not receive into any pound which it has established any animal which is liable to be impounded outside the limits of the municipality under the provisions of the Pounds Ordinance 1913 and any amendment thereof; provided that the Administrator may by notice in the *Provincial Gazette* give permission to the council to receive into any pound which it has established animals which are liable to be impounded outside the limits of the municipality under the provisions of the Pounds Ordinance 1913 and any amendment thereof, and may by like notice from time to time modify, amend, or withdraw such permission. The Administrator may from time to time make, alter, or rescind regulations—

Power to
establish
pounds.

- (1) for the management of pounds by the council;
- (2) for fixing and defining the charges payable by the owners of impounded animals;
- (3) as to the conditions under which impounded animals may be sold by the council;
- (4) as to the transfer of property in such animals on such sale;
- (5) to regulate the entry of police without warrant into pounds.

71. (1) Anything to the contrary in any law notwithstanding, the council shall have power by itself or its officers or servants to enter into and upon any premises within the municipality, forcibly if need be, for the purpose of exercising any power of inspection inquiry or execution of work which is given to the council under this Ordinance or under any by-law or regulation in force within the municipality, provided that except for the purpose of carrying out any sanitary service or for any other purpose specially provided for in this Ordinance or any other law such power of entry shall not be exercised in respect of premises which are not used for the purpose of or in connexion with any trade or business and are not situate in a native location

Power of
entry.

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save between the hours of 7 a.m. and 7 p.m. unless either—

(a) there is reasonable ground for suspecting that any act causing a nuisance or constituting a contravention of this Ordinance or any by-law or regulation in force in the municipality is being committed on such premises at any other hour ;
or

(b) entry on such premises at some other hour appears on reasonable grounds to be necessary for the purpose of dealing with any case of infectious or contagious disease or any outbreak of fire, escape of water, or other emergency, whether actual or suspected.

(2) The medical officer of health or any sanitary inspector may when entering upon any premises in exercise of the power conferred by this section be accompanied by any European member of a police force lawfully established in the Province.

(3) Any by-laws or regulations made under this Ordinance may confer on the council its officers and servants such powers of inspection inquiry and execution of works as are reasonably necessary for the proper carrying out or enforcement thereof.

Power to inspect wells, boreholes, tanks, and cisterns, and to close the same.

72. The council may by its members, officers, or servants inspect all wells, boreholes, tanks, and cisterns within the municipality the water wherein or wherefrom is used or likely to be used by man for drinking or domestic purposes, or for the manufacture of drinks for the use of man, or as an ingredient in the manufacture of any article intended for food for the use of man ; and if, on any such inspection or on the representation of any person, it shall at any time appear that such water is so polluted as to be injurious to health or that any by-laws in respect thereof have not been complied with, the council shall call upon the owner or occupier of the premises to which the well, borehole, tank, or cistern belongs, forthwith to close or remedy the same and failing compliance with such notice the council may take proceedings before any competent court whether by way of summons or application ; and on any proceedings against such person for such non-compliance or for breach of any by-law the court may, in the event of a conviction, make an order directing the well, borehole, tank, or cistern to be permanently or temporarily closed by such person or may make such other order as may appear requisite or necessary to prevent injury to the health of persons using the water therefrom, and may in addition sentence the person convicted to a fine not exceeding five

pounds. The court may further, if it appear necessary, cause the water to be analysed at the cost of the council, and in making any such order, may further authorize the council, if the person on whom an order is made under this section fails to comply with the same within a period which the court deems reasonable, to do whatever may be necessary to execute such order, and all expenses incurred by the council may be summarily recovered from the person on whom the order was made; provided that in the case of any such well, borehole, tank, or cistern being situated upon unoccupied ground within the municipality, the owner of which (or some person duly authorized to represent him) cannot after reasonable inquiry be found, any such notice, summons, or other process aforesaid shall be deemed to be sufficiently served if affixed to such tank or cistern, or to any building, erection, post or board upon or in the immediate vicinity of such well, borehole, tank, or cistern.

73. The council may, by its members, officers, or servants at all reasonable times without notice, enter upon, inspect, and take samples from, or require information in respect of the condition and working of all gathering grounds, rivers, and canals, springs, wells, boreholes, reservoirs, filter-beds, water purification or pumping works, or other sources of water supply, storage, or distribution situated within the municipality, the water wherein or wherefrom is used or is likely to be used by man within the municipality for drinking or domestic purposes.

Power to
inspect water
supply.

74. (1) Whenever it appears to the council or a committee thereof on the certificate of the medical officer of health that any premises are in consequence of defective or unsuitable construction or arrangement, bad condition, want of light, air, or ventilation, or other reason, in a state so dangerous or injurious to health as to be unfit for human habitation or to constitute a danger to the health of the inhabitants of any neighbouring premises, the council may, after giving not less than seven days' notice in writing of its intention to the owner of such premises and to the occupying tenants (if any), apply to the magistrate's court having jurisdiction in the municipality, for an order closing such premises, and such court may upon such application make an order closing such premises and prohibiting the use and occupation thereof, until such time as it shall be satisfied that alterations have been made, whether by removal or reconstruction of any building or otherwise, so as to prevent any such danger aforesaid resulting from the occupation of such premises, and such court may

Power of
council to
close, cleanse,
and demolish
premises.

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—
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thereafter on being so satisfied on the application of the owner of such premises, withdraw such order as to the whole or any part of such premises, provided that, before making such application, the owner of such premises shall give not less than forty-eight hours' notice in writing to the council of his intention to make the same.

(2) The magistrate's court having jurisdiction in the municipality may on the application of the council, without notice to the owner, close immediately and prohibit the use, occupation of, and entry into any premises on which bubonic plague infection in man or animals is certified by the medical officer of health to exist.

The provisions of the last preceding sub-section relating to the withdrawal of a closing order shall *mutatis mutandis* apply in the case of any order made under this sub-section.

(3) (a) Where a closing order has been made in respect of any premises, the council shall forthwith cause a copy of such order to be affixed in a conspicuous position on the premises.

(b) Any person who shall use or occupy any premises, the use and occupation of which have been prohibited by any closing order, during the time that such order remains in force, shall be liable to a fine not exceeding ten pounds, and to a further fine not exceeding two pounds for every day during which such use or occupation continues; provided that, after the affixing of a copy of such order in the manner aforesaid, forty-eight hours' grace or such longer time as the council may determine shall be allowed to any person occupying the premises at the date when the copy of such order was so affixed, before such order is enforced against such person.

(4) The magistrate's court having jurisdiction in the municipality may upon application by the council order the cleansing and disinfecting of any premises in respect of which a closing order has been or may be made under this section, and shall by such order specify a time within which such cleansing or disinfecting shall be carried out; and, in default of full compliance with any such order, the council may enter upon any such premises and do all things necessary for completely executing the order, and may recover by action in a competent court the costs and expenses of and incidental to its execution from the person against whom the order has been made. Any such order may be made upon the owner or on the occupier of the said premises.

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(5) (a) When a closing order in respect of any premises has remained operative for a period of three months the council may after giving not less than fourteen days' notice in writing of its intention to the owner of such premises apply to the magistrate's court having jurisdiction within the municipality for an order authorizing the demolition of such premises, and such court, if satisfied at the hearing of the application that alterations have not been made so as to prevent any such danger as is mentioned in subsection (1) resulting from the occupation of such premises and that the necessary steps are not being taken with all due diligence to make such alterations, or that the continuance of any building being or being part of such premises is a nuisance or dangerous or injurious to the health of the public or of the inhabitants of the neighbouring premises shall make an order authorizing the council to demolish the building; provided that the court may, if it shall think fit, postpone the operation of the order for such time not exceeding six months as it thinks sufficient to give the owner an opportunity of making the necessary alterations.

(b) The council may recover from the owner of any premises the cost of demolishing such premises in pursuance of an order made under this section.

(6) (a) Any notice required by this section to be given to any person may be served by delivering the same to, or at the residence or place of business of, the person to whom it is addressed or may be served by registered letter by post on such person.

(b) When the owner of any premises to whom notice is required to be given under this section does not reside or carry on business within the municipality or cannot after reasonable inquiry be found therein, such notice shall be deemed to be sufficiently given to such owner if affixed to the premises to which the same relates.

75. (1) No person shall let or use for habitation or occupation any back-to-back house or tenement situate within the municipality which is not provided with adequate means of through ventilation to the satisfaction of the medical officer of health or any room so situate which has a door in an outside wall and is not so provided.

Occupation of
back-to-back
houses.

(2) Any person contravening this section shall be liable to a fine not exceeding fifty pounds and to a further fine not exceeding two pounds for every day during which such contravention continues.

Ord. No. 11 Penalty for
of 1926. insanitary
yards, etc.

76. If any yard or sanitary convenience within the municipality used in common by the occupiers of two or more separate dwelling-houses, or by different tenants of the same building, or by other persons, or the approaches to, or the walls, floors, seats, or fittings of such sanitary convenience is or are, in the opinion of the medical officer of health or of any sanitary inspector, in such a condition as to be a nuisance or annoyance or a danger to health for want of proper cleansing thereof, such of the persons having use thereof, in common as aforesaid, as may be in default, or in the absence of proof as to which of the persons having use thereof in common is in default then each of those persons shall be liable to a penalty not exceeding five pounds and any of those persons who fails to comply with a notice served upon him by the council calling upon him to remedy the condition of such yard or sanitary convenience shall further be liable to a penalty not exceeding ten shillings for each day during which such condition shall continue after service of such notice.

Duty of
council to
bury paupers.

77. (1) It shall be the duty of the council to provide for the burial of all destitute persons who die within the municipality other than those who—

(a) die in hospital (unless they lived for at least three months in the municipality prior to their admission into hospital in which cases the council shall be responsible for the burial and all charges in connexion therewith);

(b) die in gaol; or

(c) have not lived within the municipality for a period of three months before their decease, and the council is hereby authorized and empowered to incur any expenditure necessary therefor.

(2) In cases of those destitute persons who die in hospital but who lived in another municipality for at least three months prior to their admission into the hospital the council of such other municipality shall be responsible for the payment of all charges in connexion with the burial of such destitute persons.

(3) If any native brought into the municipality by any person carrying on the business of recruiting native labour dies in the municipality within one month after his arrival, the council may recover from such person or his employer or principal such burial charges as are fixed in the by-laws with regard to cemeteries for the time being in force.

Summoning
of public
meetings.

78. The mayor may, from time to time if he shall see fit and upon receipt of a requisition signed by such number of enrolled voters for the municipality, as shall from time to time be fixed by resolution

of the council or by by-law, requesting him to summon a public meeting of inhabitants for the discussion of any matter of public interest to be specified in the requisition, summon such meeting at such time and place as he may determine, and any costs incurred by the mayor in connexion with the summoning and holding of any such meeting may, if the council shall so resolve, be defrayed out of the revenue of the council; provided that no such meeting shall be called for the purpose of promoting, opposing, or discussing the election of any person as a councillor or as a member of any municipal body, or of the provincial council or of parliament.

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79. The council may do all or any of the following things, namely—

General powers.

(1) make, construct, alter, keep clean and in repair the roads, streets, squares and open spaces, dams, canals, reservoirs, water-courses, furrows, ferries, culverts, and bridges vested in the council under section *sixty-two* hereof;

Making roads, etc.

(2) establish, maintain, and carry out such sanitary services for the removal and destruction of or otherwise dealing with night-soil, urine, slops, rubbish, carcases of dead animals, and refuse of all kinds, and make such charges therefor as the council may from time to time determine;

Sanitary services.

(3) establish and maintain cemeteries and make charges in connexion therewith; and take over, control and maintain any existing cemetery or burial ground, and close for burial purposes any church, municipal, private or other cemetery or burial ground or any portion thereof within the municipality, provided that no such closing shall take place until a resolution stating the council's intention to effect such closing has been passed by a majority of two-thirds of the councillors at the time in office, and has been published in the *Provincial Gazette* and in one or more newspapers circulating in the municipality;

Cemeteries.

(4) erect, maintain, and keep in repair any buildings for any municipal requirement or purpose;

Municipal buildings.

(5) plant, trim, or remove trees in or on any public place;

Trees.

(6) establish, equip, maintain and carry on within or outside the municipality afforestation works for the production and disposal of timber, and do all things necessary in connexion therewith;

Afforestation works.

Ord. No. 11 Lighting
of 1926. public places.

— Recreation
Section 79. grounds.

Recreation
grounds,
works, and
services.

Use of
recreation
grounds.

(7) light public places and erect and maintain lamps for that purpose ;

(8) establish, maintain, and carry on recreation grounds on town lands, and on parks, squares and open spaces vested in the council under section *sixty-two* hereof and on any land held in freehold or leasehold by the council, and make charges in connexion therewith, provided that in cases of land held in leasehold the consent of the Administrator shall first be obtained ;

(9) erect, make, establish, maintain, and carry on in connexion with or on recreation grounds established by the council aquariums, piers, pavilions, dressing-rooms, lavatories and other conveniences, and any other buildings or structures of any nature whatever and for any purpose whatever which the council may decide to be necessary or convenient, and the general management, regulation, and control of the same shall be vested in the council, who may from time to time—

(i) determine the charges, if any, to be made for the use thereof, or

(ii) let the same or portions thereof or any rights therein to any person or club or other body of persons and authorize such person, club, or body to make charges in connexion therewith ;

(iii) grant advances or loans to any sporting club upon such terms and conditions as may be approved by the Administrator ;

provided that, anything to the contrary in this Ordinance notwithstanding, unless the council shall otherwise decide, the said charges or any rental to be paid hereunder shall be determined by resolution of the council without regulation by by-law ;

(10) anything to the contrary in this Ordinance notwithstanding, let or grant subject to the approval of the Administrator, the use of any recreation ground and/or buildings appurtenant thereto established or erected by the council or any part of such recreation ground or buildings to any school, sports club or association of persons on such terms as the council may decide and permit such school, sports club or association of persons to make charges for admission to recreation grounds let or granted by the council ; provided that, unless such recreation ground is merely temporarily closed for a period not exceeding three days under section *sixty-four*

of this Ordinance, the resolution of the council so to let or grant the use of such recreation ground shall be published in the manner prescribed by paragraph (b) of sub-section (18) hereof ;

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(11) set apart any such portion of any recreation ground established by the council as may be fixed by the council and described in a notice set up in some conspicuous position in such recreation ground for the purpose of any particular game or recreation and to exclude the public from the part so set apart while it is in actual use for that purpose ;

**Exclusive use
of recreation
grounds.**

(12) provide any apparatus for games and recreations in respect of any recreation ground established by the council and make charges for the use thereof, or permit any person, club or other body of persons to provide any such apparatus on such terms as the council may decide ;

**Recreation
grounds—
Games
apparatus.**

(13) provide and maintain refreshment rooms, cafés and restaurants in any recreation ground established by the council and in any botanical or zoological garden and at any public bath established under sub-section (44) hereof and either manage such refreshment rooms, cafés or restaurants itself or let the same to any person, club or other body of persons on such terms as the council may decide ;

**Recreation
grounds—
Refreshment
rooms.**

(14) establish, erect, maintain, regulate and carry on markets, and market buildings, and let portions of such buildings and stalls therein, and make charges in connexion therewith.

Markets.

(15) make grants of money towards—

Grants-in-aid.

(a) the establishment or maintenance—

(i) of public hospitals ;

(ii) of public libraries and libraries of schools established, maintained or aided under the Education Act 1907, or any amendment thereof ;

(iii) of the institutions in this paragraph mentioned not being of a private character (that is to say) art galleries, museums, zoological gardens, agricultural and horticultural societies, scientific and literary institutions, including the giving of lectures on scientific literary and other subjects, asylums for the aged, destitute, sick, or infirm, rescue homes, benevolent societies,

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homes for destitute orphans, relief committees and committees employing district nurses, educational institutions, trade or vocational schools, institutions for the training of persons in domestic science, domestic service or household work or duties, or public voluntary societies or associations in connexion with combating diseases or in connexion with maternity welfare or child welfare, the training of sanitary inspectors or health visitors, instruction in first-aid or home or district nursing or any other matter relating to public health ;

(b) with the consent of the Administrator any national or public object, exhibition, organization or institution ;

(c) any voluntary society, association or club or organization established for boy scouts or girl guides or for the welfare of or for games and recreation of students or school children or for assisting such children to proceed to the sea-coast or other places during school vacations ;

(d) any fund established for the purpose of the entertainment or pleasure of the poor or of the inmates of any hospital or asylum or charitable institution ;

(e) the Transvaal Municipal Association ;

(f) any Bisley competition ;

Grants—
Municipal
services.

(16) from time to time grant and render to any of the institutions mentioned in subsection (15) (a) hereof any municipal service without charge or at such reduced charges from the tariffs in force from time to time as it may deem expedient ;

Grants—
Educational
institutions.

(17) make grants of land to or grants-in-aid of—

(a) any school, class or institution established maintained or aided in the Province under the Education Act 1907 or any amendment thereof ; or

(b) the University of the Witwatersrand, Johannesburg ; or

(c) the University of South Africa or of any constituent college thereof situated in the Province ;

(d) any other University by law established in the Province ;

(e) any institution or service in the Province duly declared under any law to be included in higher education ;
 or for the purpose of establishing, extending, or maintaining any boarding establishment or hostel in connexion with any of the foregoing institutions, not being of a private character, and provide bursaries to assist in educating and maintaining scholars and students at any of the said institutions as well as at any other university by law established within the Union of South Africa ;

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(18) let, sell, or otherwise alienate or dispose of any movable or immovable property of the council, including the granting of prospecting rights, option contracts, and the alienation of rights to minerals, precious and base metals, and precious stones on town lands in any way competent under and subject to the provisions of the Precious and Base Metals Act, 1908, and any amendment thereof, and the Precious Stones Ordinance, 1903, and any amendment thereof, provided—

Land—
 Alienation of.

(a) that, except in the case of any immovable property, as to which special provision has been made by law, and except in the case of leases, other than leases of town lands, not required to be notarially executed under section *twenty-nine* of the Transfer Duty Proclamation (No. 8) of 1902, or any amendment thereof, no sale, lease, or alienation of immovable property or the alienation of any rights to minerals, or the granting of any prospecting or option contracts shall take place or be effective until the consent of the Administrator has been obtained ;

(b) that, except in the case of a lease terminable by not more than three months' notice on either side previous to such sanction being obtained the resolution of the council to sell, lease, or otherwise alienate or dispose of immovable property or to grant such contracts or leases shall be published, at least once a week, during three successive weeks in one or more newspapers circulating in the municipality, provided that in all cases of the alienation of the freehold of land, or of the leasehold thereof for any period exceeding twenty years, publication of such resolution shall also be made by a sufficient number of conspicuous placards posted in on or near the land which

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it is proposed to alienate and such placards shall be not less than double demy in size and the headings shall be in three-inch type ;

(c) that all moneys received by the council from the sale of immovable property or the granting of such contracts or leases shall be used for the redemption and extinction of existing debt incurred for capital purposes in such manner, or where no debt exists, for such capital expenditure, as the council on a report from the finance committee may direct ; provided that moneys received in respect of leases entered into for a period of less than ten years shall be applied as the council may think fit and provided further that where due provision has been made for the redemption of any debt the Administrator may authorize the council to apply all revenues and profits received by the council arising out of rights referred to in section *four* of the Town Lands Ordinance, 1904 (Transvaal), or in respect of similar rights derived under any law and/or all moneys received from the sale of immovable property or the granting of contracts or leases, other than leases of less than ten years' duration, to such capital expenditure as may be approved by him ;

Land—
Leases of.

(19) subject to the provisions of sub-section (18) hereof and notwithstanding anything to the contrary in the Townships Act lease any land belonging to it for such periods and on such conditions as the council may deem fit ;

Townships.

(20) subject to the provisions of the Townships Act establish townships on land the property of the council ;

Agricultural
holdings, etc.

(21) (a) subject to the provisions of any law relating to townships or the registration of agricultural holdings, lay out plots upon or otherwise sub-divide any land belonging to the council for the purposes of garden allotments, small holdings, or agricultural holdings ;

(b) subject to the provisions of sub-section (18) hereof, let, sell or otherwise alienate or dispose of any such allotments or holdings ;

(c) make, alter and revoke separate by-laws applicable only to agricultural holdings on any matter in respect whereof the council is empowered under this Ordinance or any proclamation issued thereunder to make by-laws ;

- (22) (a) lay out building plots upon or otherwise sub-divide any land belonging to the council for the purpose of housing schemes for inhabitants of the municipality or for the purpose of factory, industrial business or workshop sites ;
- Land for housing and industrial sites.
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- (b) subject to the provisions of sub-section (18) hereof let, sell or otherwise alienate or dispose of any such plots or sub-divisions of land and buildings thereon ;
- (23) lay out on lands under its control either within or outside the municipality such areas for coloured persons as may be deemed desirable, provided that no such area shall be established within the area of jurisdiction of any other local authority without the consent of such local authority ;
- Areas for coloured persons.
- (24) with the consent of the Administrator acquire by voluntary purchase, or hire any land, way-leave, water-right or any other property or servitude within or without the municipality which may be necessary for the purposes of this Ordinance, provided that the Administrator's consent shall not be necessary where no consideration or merely nominal consideration passes in respect of such acquisition or hiring ;
- Land—Acquisition of.
- (25) with the consent of the Administrator acquire any land for disposal by sale, lease or otherwise and on such terms as the council may decide to any person for the purpose of carrying on thereon any work or trade of an offensive nature which the council is empowered to license ;
- Land for offensive trades.
- (26) establish, erect and maintain dipping tanks, and make charges in connexion therewith ;
- Dipping tanks.
- (27) establish, erect and maintain public lavatories, closets and urinals, above or below ground, and make charges in connexion therewith ;
- Lavatories, etc.
- (28) subject to the approval of the Administrator—
- Housing.
- (a) erect and maintain dwelling-houses with their appurtenant outbuildings on plots or sub-divisions of land referred to in sub-section (22) and in areas mentioned in sub-section (23) hereof ;
- (b) convert buildings into dwelling-houses and alter, enlarge, repair and improve the same ;

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- (c) make advances of money on the security of immovable property for the purpose of enabling persons resident in the municipality (including officers or servants of the council) to acquire land and/or to erect dwelling-houses, and recover such advances with interest thereon by instalments, or otherwise as the council may in its discretion arrange with any person to whom an advance is made; provided that dwelling-houses proposed to be built by the council with borrowed money shall be built by contract after tenders have been invited;
- Brickworks.** (29) establish, acquire, construct, equip and carry on either within or outside the municipality works for the manufacture of bricks and tiles and do all such things as may be incidental to such manufacture;
- Kaffir eating-houses.** (30) establish, erect, maintain and carry on kaffir eating-houses;
- Employees medical expenses.** (31) pay the medical or funeral expenses of any person employed by the council who suffers injury or dies as the result of an accident occurring in the course of his employment or as a result of illness contracted in consequence of such employment;
- Pensions, etc., from revenue.** (32) In cases where no pension, provident or benevolent fund has been established, or in cases where no benefits accrue from any fund established under the next succeeding subsection grant from its revenue pensions or gratuities to officers or servants of the council on their retirement from the council's service or otherwise, and to the widows or dependents of deceased officers and servants of the council;
- Pensions, etc., from fund.** (33) (a) subject to the provisions of such by-laws as may be made under paragraph (b) hereof, establish, control, manage, maintain, and contribute to any pension, provident or benevolent fund intended for the benefit of the officers and servants of the council and grant pensions or gratuities from any such fund to such officers or servants on their retirement from the council's service or otherwise, or to dependents on death of such officers or servants;
- (b) from time to time make, alter and revoke under the provisions of Part II of Chapter VII of this Ordinance by-laws providing—
- (i) for permitting or requiring all or any of such of its officers or servants to become members of one or more of such funds;

(ii) for fixing the contributions, if any, to be made thereto by such members and by the council ;

(iii) for periodical valuations of such funds and for the enforcement of any increase in the contributions thereto or diminution in the benefits arising therefrom as may be shown by any valuation to be necessary for maintaining the solvency thereof ;

(iv) for prescribing the age at which persons in the service of the council shall be permitted or required to become members of the fund and the age at and the conditions under which they shall be permitted or required to retire from the service of the council ;

(v) for determining the amount of pension or other benefit to be paid to members on retirement from the service of the council and to their dependents on death ;

(vi) for regulating the management and investment of funds and the appointment or election where necessary of members of a committee for that purpose ;

(vii) for vesting property money or/and assets pertaining to such funds in trustees for the purpose of administration thereof as directed by any committee of management by and against whom all actions at law relating to the fund shall be brought ;

(viii) for the retirement, removal and resignation of members of such committees of management or trustees and for filling of vacancies caused thereby ;

(ix) that no pension or right to a pension shall be capable of being assigned or transferred or otherwise ceded or of being pledged or hypothecated or of being attached or subjected to any form of execution under a judgment or order of a court of law and for withholding suspending or entirely discontinuing the payment of the same in the event of the beneficiary attempting to assign transfer or otherwise cede or to pledge or hypothecate any pension or right as aforesaid ;

(x) that in the event of any person in receipt of an annuity being convicted by any court in His Majesty's dominions and being sentenced to imprisonment without the option of a fine for a period exceeding one month any such annuity shall during such period of imprisonment be payable to his dependents ;

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(c) agree with one or more other councils to establish a united pension, provident or benevolent fund for the benefit of persons in the service of any of those councils; provided that

(i) every such united fund shall be established by separate resolutions passed by each of the councils and approved by the Administrator, and shall be subject to such by-laws as may be framed under paragraph (b) hereof and adopted by each of the councils concerned;

(ii) such by-laws shall provide for the management and investment of such united fund being vested in a joint board consisting of representatives of the councils which are members of the said fund and their employees, and for the election of the members of such board;

(iii) the expenses of the administration of a united fund so established shall be defrayed by the councils concerned in such proportions as may be agreed upon from time to time;

(iv) any council, other than a council concerned in the establishment of such united fund, may by resolution approved by the Administrator and subject to such terms as may be mutually agreed upon between the joint board and the council, join in any united fund;

Expenditure
unprovided
for.

(34) incur all expenditure necessary for the carrying out of any purpose of this Ordinance or any amendment thereof which the council is authorized to carry out, or of any purpose not specially provided for in this Ordinance which the Administrator may determine to be a purpose incidental to the exercise by the council of its powers and duties under this Ordinance, including a reasonable amount of travelling and personal expenses of councillors and officers while on the business of the council;

Passes on
trams.

(35) grant to councillors passes entitling them to travel without payment on municipal trams or omnibuses;

Subscription—
Transvaal
Municipal
Association.

(36) pay its subscription to the Transvaal Municipal Association and the reasonable travelling and personal expenses of its representatives incurred in attending meetings of any conference or of the executive committee of the said Association;

Adornment
of squares.

(37) lay out and adorn and square or open space the property of or vested in the council under section *sixty-two* hereof by any architectural

or other scheme of ornamentation including statues, fountains, or other structures ;

(38) establish, erect, and maintain public crematoria, mortuaries, and public weighing machines, and make such charges in connexion therewith as may be fixed by by-law ;

Crematoria,
etc.

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(39) acquire, equip, and maintain boats and boating establishments, and make charges in connexion therewith ;

Boats.

(40) establish, erect, maintain, and carry on municipal slaughter-houses, and make charges in connexion therewith ;

Slaughter-
houses.

(41) establish and maintain one or more fire brigades and ambulances, and make charges for the service of such brigades and ambulances and for water used at fires ;

Fire
brigades and
ambulances.

(42) purchase or hire or keep for public use stud animals, such as stallions, jackasses, bulls, rams, boars, or he-goats, and make and regulate charges in connexion therewith ;

Stud
animals.

(43) incur a reasonable amount of expenditure necessary for public entertainment ;

Public
entertain-
ment.

(44) (1) establish, acquire, erect, construct, maintain, assist, promote, and carry on—

Libraries, etc.

(a) public libraries and museums and literary and scientific lectures ;

(b) botanical and zoological gardens ;

(c) public baths and wash-houses,

and make charges in connexion therewith ;

(2) decide that the general management regulation and control of institutions mentioned in paragraphs (a) and (b) established by the council shall be vested in and exercised by such committee as such council may from time to time appoint the members whereof need not be members of the council anything to the contrary in this Ordinance notwithstanding ;

(45) establish, maintain, carry on, or contribute to bands for musical performances in public places or municipal halls, and generally provide musical entertainments in such places or halls, and make charges in connexion therewith ;

Bands.

(46) establish, erect, construct, equip, and maintain school boarding-houses or hostels attached to or in connexion with schools established and maintained under the Education Act 1907 (Transvaal) or any amendment thereof, and make charges in connexion therewith ;

Boarding-
houses.

- Ord. No. 11 of 1926.** Removal of trees, etc. (47) require the owner of any premises to do any of the following acts—
- (a) to remove, lower or trim to the satisfaction of the council any tree, shrub, or hedge overhanging or interfering in any way with trees or any wires or works of the council;
 - (b) to remove any dilapidated fence or structure abutting upon any public place;
- By-products (48) sell all by-products resulting from the carrying on of any works or undertakings which the council is authorized to carry on;
- Legislation. (49) promote and oppose legislation in the interest of the municipality;
- General. (50) do all things necessary for carrying out all the purposes for or in regard to which the council is authorized from time to time to make alter or revoke by-laws and for carrying into effect all by-laws or regulations.
- Save as in this Ordinance excepted all charges authorized by this section shall be regulated by by-law.
- By-law powers. **80.** The council may from time to time make, alter, and revoke by-laws for all or any of the following purposes, namely—
- (1) for regulating any of the things which the council is empowered under this Ordinance or any proclamation issued thereunder to do, establish, maintain, or carry on, and the charges to be made in respect thereof, except as regards pounds;
 - (2) for regulating the proceedings of the council and the duties and privileges of their officers and servants, and preserving order at council meetings including the power to suspend and exclude a member who disregards the authority of the chair or wilfully obstructs the business of the council; and for prohibiting, restricting, and regulating the publication and disclosure of the council's documents and records and the proceedings of any committee of the council or a committee of the whole council, and for punishing by suspension a member of the council who is guilty of a breach thereof;
- Sanitation and Public Health.*
- (3) for establishing, maintaining, and compelling the use of any sanitary service which the council is authorized to carry out or regulate, or which may be established by virtue of any powers vested in the council for the removal

and destruction of or otherwise dealing with night-soil, urine, slops, rubbish, carcasses of dead animals and refuse of all kinds and for fixing the charges to be made in respect thereof ;

(4) for keeping public places and bridges clean and free from filth, rubbish, or refuse, and for prohibiting persons from throwing, dropping or depositing any filth, rubbish, glass, tins, paper, dead animals, waste or flushing water or other refuse, liquid or solid, on or in any street, road, bridge, thoroughfare, open space, vacant stand, vacant erf, spruit or water-course, or from causing or allowing any such liquid to flow into any such place and for regulating or prohibiting the bathing or washing of persons, animals, or things in any such place ;

(5) for preventing the use or misuse and securing the closing of cesspools, and for compelling and regulating the provision, construction, position, screening, use, cleansing, and repair of, and for preventing damage to earth-closets, water-closets, privies, ashpits, ashbins, urinals, sinks, fixed baths and fixed basins, waste pipes, drains, and slop tanks in connexion with buildings ;

(6) for the prohibition, removal or abatement and the prevention of recurrence of nuisances, for enabling the council to serve notices either upon the author of a nuisance or upon the owner or occupier of the premises on which the nuisance exists or has existed and is liable to recur ; requiring the doing of such work (with or without specifying the nature thereof) within a reasonable time to be specified in the notice as is necessary for the removal or abatement and the prevention of recurrence of the nuisance and for providing that non-compliance with any such notice shall be an offence, and further for enabling the council to do such work at the expense of the person who has failed to comply with the notice, provided that where the nuisance arises from a want or defect of a structural character the notice shall be served on the owner of the premises ; provided further that the by-laws may provide that, in any case where it appears that a nuisance existing within a municipality is wholly or partly caused by some act or default outside the municipality, proceedings may be taken against any person in respect of such act or default in the same manner and with the same incidents and consequences as if the act or default were wholly inside the municipality.

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(7) for securing the proper construction of and regulating stables, cowsheds, animal kraals, fowl-houses and for preventing the keeping of any animals on premises which are not constructed in accordance with the council's by-laws or are so constructed or so situated that such animals if kept thereon are likely to cause a nuisance or injury to health, and for enabling the council or a committee thereof to prohibit the keeping of swine on any premises which the medical officer of health certifies to be so situated as to be unfit for the purpose ;

(8) for prohibiting the erection of buildings or the conversion of existing buildings for use as stables or cowsheds for trading purposes in residential areas and for defining areas where such buildings may or may not be erected or used ;

(9) (a) for ascertaining the existence and cause of any nuisance arising from any drain, closet, cesspool, water supply, sink, trap, syphon, pipe, or other work or apparatus connected therewith, and for remedying the same and recovering the expenses incurred by the council in respect thereof, and to regulate the liability and penalty for nuisance in any yard or sanitary convenience used in common by the occupiers of two or more separate dwellings or by different tenants of the same building ;

(b) for regulating, controlling, or prohibiting the construction or use of septic tanks and filter installations or other works for the disposal of sewage on private property ;

(10) for preserving the public health :

(11) for preventing the outbreak and spread of infectious or contagious diseases, for declaring what diseases are notifiable for compelling the notification of such diseases for compelling the removal of persons suffering from any such disease to suitable hospitals or places of segregation and their detention and treatment therein where, in the opinion of the medical officer of health, such removal, detention and treatment are necessary either for the protection of the public health or by reason of the insufficiency or unsuitability of the patients' lodging or accommodation, for regulating and enforcing quarantine and the disinfection of persons, places or things, and for authorizing the seizure and detention and ensuring the destruction (when necessary in the opinion of the medical

officer of health) of articles which are infected or have been exposed to the risk of infection, upon payment of compensation to the owner thereof, such amount to be fixed by agreement or arbitration ;

(12) for compelling the giving of any information or the production of any documentary or other evidence required for the purpose of tracing the source and preventing the spread of infection, for requiring the closing of schools or trade premises which are suspected of being or are likely to become sources of infection, and for prohibiting persons who are or are suspected of being or are likely to become infected from carrying on any trade or business or engaging in any occupation which may cause the spread of an infectious or contagious disease ;

(13) for requiring any person arriving in the municipality within fifteen days of leaving any district infected or suspected of being infected with plague, cholera, or yellow fever or within fifteen days of landing in South Africa from any ship so infected or suspected of being so infected, or from any ship which has within ten days prior to his landing cleared from or touched at any port so infected or suspected of being so infected to report to the medical officer of health his name and place of residence within the municipality ;

(14) (a) for prohibiting and preventing the introduction into the municipality, the possession, sale or offering for sale for the purpose of human consumption or the handling (otherwise than for the purposes of destruction) of diseased animals, diseased meat, fish, or other articles of food or drink unfit for the use of man ;

(b) for authorizing the seizure and ensuring the destruction (when necessary in the opinion of the medical officer of health) of any meat, fish or other article of food or drink which is diseased, unsound, unwholesome or unfit for the use of man ;

(c) for permitting at the owner's risk such treatment in lieu of destruction of any diseased, unsound or unwholesome article of food as may render the same fit for the food of man ;

(d) for authorizing the seizure and ensuring the destruction of diseased animals when certified to be necessary by a veterinary surgeon employed or approved by the Union Department of Agriculture ;

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(e) for ordering the detention pending examination or inquiry of animals or articles of food or drink ;

(f) for prescribing standards of composition, strength or quality, and for preventing the adulteration, misdescription or reduction below a prescribed or, where none has been prescribed, a proper standard and securing the sale in a pure state and in a condition which conforms with such standard of milk or any other article of food or drink or any drug ; and

(g) for authorizing the council by its officers or servants to inspect and examine any animal, article or package and to cut into any dead animal or any article or package and to purchase samples and requiring the sale of samples for the purposes of this sub-section ;

(15) for prohibiting, regulating, inspecting, supervising and licensing noisome and offensive trades, and compelling residents to keep their premises free from offensive or unwholesome matter ;

(16) for regulating, inspecting or supervising the work or trade of manufacturing flock from rags and for prohibiting the sale and use for the purpose of the manufacture of articles of unclean flock manufactured from rags and for requiring persons establishing or carrying on such work or trade to obtain a licence from the council for the purpose of so doing ;

(17) for prohibiting, regulating, inspecting, supervising and licensing the work or trade of disinfection or fumigation by cyanide or other means and for penalizing persons who after notice thereto refuse without reasonable ground to vacate any room or rooms occupied by them on the same floor or any floor above that of any building where fumigation by cyanide or other means is being carried out, and for the cancellation of licences granted to fumigators in cases where the licensee upon conviction for any offence has been proved to have been negligent, careless or incompetent in or at his work or trade aforesaid ;

(18) for regulating and prohibiting the establishment or the carrying on of any trade, business, or calling which may, in the opinion of the council, be or be likely to become a source of serious nuisance, discomfort, or annoyance to the neighbourhood, provided that by-laws hereunder shall not extend to the prohibition of any trades or businesses lawfully established at the time of promulgation of the by-laws ;

(19) for defining streets or areas within which shops, warehouses, factories, or business premises may not be erected or within which specified trades, businesses, or callings, or street trading may not be established or carried on, provided that by-laws hereunder shall not extend to shops, warehouses, factories, or business premises erected or in course of erection or to trades or businesses lawfully established at the time of the promulgation of the by-laws ;

(20) for regulating, inspecting, supervising and licensing all businesses, factories, and workshops which by reason of smoke, fumes, gases, dust, smell, noise, vibration, or other cause may be or become sources of danger, discomfort, or annoyance to the neighbourhood ; for prescribing the conditions subject to compliance with which such businesses, factories, or workshops shall be carried on and for prohibiting the carrying on thereof unless the prescribed licences shall have first been obtained and the prescribed conditions complied with ;

(21) for regulating, inspecting, supervising and licensing the killing of cattle and other animals and the sale of butchers' meat, and for the establishment and localization of slaughter-houses and meat shops and their maintenance in a cleanly and proper state and for authorizing the entry on and inspection of slaughter-houses and meat shops and the cattle, carcasses, and meat therein and to regulate the entry of the police and the inspection of skins, which must be stored for forty-eight hours after killing of the animals ;

(22) for regulating the use and management of municipal slaughter-houses and depots for the inspection of milk and dead meat and the making of charges in connexion therewith and for prohibiting the slaughtering of animals intended for the food of man elsewhere in the municipality than in municipal slaughter-houses, except in the case of animals which the occupier of any premises may slaughter for his own or his family's consumption ;

(23) for licensing, inspecting, supervising and regulating tearooms, cafés, restaurants, hotels, eating, boarding and lodging houses, bakehouses, butchers' shops, grocers' shops and all factories and places where articles of food or drink are manufactured or prepared for sale or use, or stored or sold ;

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(24) for licensing, supervising and regulating purveyors of milk, and ice cream makers or vendors and for licensing, inspecting, supervising and regulating dairies, milkshops, and cowsheds; for regulating the conveyance and distribution and securing the identification of the source of milk or milk products distributed, offered for sale, or sold within the municipality; for prescribing the conditions subject to compliance with which any milk or milk products produced or prepared within or outside the municipality may be introduced, distributed, stored, sold or used within the municipality, and prohibiting the introduction, distribution, storage, sale, or use within the municipality of milk or milk products in respect of which such conditions are not complied with; for enabling the council to certify the quality of any milk and prohibiting the unauthorized use of any terms employed by the council in denoting such quality; for prohibiting the introduction, distribution, storage, sale, or use within the municipality of any milk or milk products from any source within or outside the municipality when it appears to the council or a committee thereof on the certificate of the medical officer of health that the consumption of such milk or milk products is likely to cause the outbreak or spread of infectious or contagious disease;

(25) for prohibiting the sale of tuberculous milk for providing for the veterinary inspection of milch cows within the municipality and for requiring from time to time in respect of any milch cow from which is obtained milk or from the milk of which is prepared any milk product for introduction, distribution, storage, sale, or use within the municipality the production of a certificate of a veterinary surgeon, approved by the Principal Veterinary Surgeon, Transvaal, showing that such cows have been tested by the tuberculin test and are free from tuberculosis; provided that such certificate shall not be required in respect of any milch cow unless there is reasonable ground for suspecting that such cow is infected with tuberculosis or has been in contact with cattle so infected;

(26) for licensing and regulating kaffir eating-houses and for prohibiting the employment or presence of white females in such eating-houses or in any house part of which is licensed for such purpose;

(27) for regulating, supervising and licensing pedlars and hawkers ; provided that no person mentioned in the exemptions to item 12 of Part I, Trading Licences of the Second Schedule to the Licences Consolidation Act No. 32 of 1925, shall be required to take out a pedlar's or hawker's licence ;

(28) for regulating or preventing the washing of clothes on public or private premises and licensing and supervising persons for washing and laundry work for the inhabitants of the municipality provided that if the council so by resolution decides no fee shall be charged for a licence where washing and laundry work is carried on by or under the auspices of a religious or charitable institution, and for regulating and licensing (but without charging any fee therefor) premises or places outside the municipality (hereinafter referred to as outside laundries) at which articles are washed for inhabitants of the municipality and for preventing the introduction into the municipality of any articles as aforesaid unless the outside laundries at which they were washed have been licensed by the council and for licensing and supervising (but without charging any fee therefor) persons for washing and laundry work at such outside laundries ;

(29) for prohibiting the use by white persons for dwelling purposes of premises or yards occupied by natives, Asiatics or coloured persons ;

(30) for securing the prevention and destruction of rats and other vermin within the municipality and for enabling the council to set traps or to take other measures on any premises necessary for this purpose, and for prohibiting interference with such traps ;

(31) for prohibiting or regulating the laying down and use of poison for the purpose of the destruction of animals or vermin and for charging fees for any inspection by the council's officers or servants in connexion therewith ;

(32) for securing the prevention and destruction of locusts and other noxious insects within the municipality and for the prevention and abatement of agricultural pests and for the supply of poison and appliances for the aforesaid purposes ;

(33) for the prevention and abatement of conditions permitting or favouring the breeding of mosquitoes or flies ;

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(34) for securing the eradication of the weed *Xanthium spinosum* (burweed), *Cannabis indica* (dagga), *Tagetes minuta* or any other weed which may be declared by the council to be noxious from land within the municipality and for compelling owners or occupiers of such land to cause any such weed to be eradicated on their land ;

Water.

(35) for regulating the supply and distribution of any water under the control or management of the council, and for preventing waste and misuse thereof, for making charges for the use of water from water-furrows, and for compelling owners or occupiers to maintain in good order water-furrows abutting on their premises ;

(36) for the provision by the council of water meters, for fixing charges for water according to meter and for determining the areas in which such meters shall be installed ;

(37) for preventing the pollution of any water which the inhabitants have a right to use ;

(38) for preventing the pollution of gathering grounds, rivers, canals, springs, wells, reservoirs, filter beds, water purification or pumping works, tanks, cisterns, or other sources of water supply or storage the water wherein or wherefrom is used or is likely to be used by man within the municipality for drinking or domestic purposes ;

(39) for compelling the provision of a proper and sufficient water supply for every dwelling-house, school, store, factory, or workshop ;

(40) for compelling owners of premises which, in the opinion of the council, are not provided with a sufficient supply of good and wholesome water for drinking and domestic purposes to take such a supply from any pipe or main belonging to the council or that is within reasonable distance of such premises ;

(41) for prohibiting subject to the payment of compensation in respect of existing boreholes or wells the use of water from, or the provision or sinking of, any borehole or well on any premises in cases where it can be proved to the satisfaction of the magistrate that such use, provision, or sinking prejudicially affects or diminishes or is likely so to affect or diminish any municipal water supply ;

Buildings.

- (42) (a) for regulating the construction, alignment, and elevation of all buildings or other structures and all parts thereof, and compelling the pulling down, removal, or rendering safe of all buildings, walls, bridges, earthworks, stoeps and verandahs of an unsafe or dangerous character, or which have been allowed to fall into a dilapidated and ruinous condition, and for doing such work at the cost of the owner ;
- (b) for prohibiting or regulating the erection or use of back-to-back tenements or houses and for ensuring sufficient air space and ventilation between houses and adequate through ventilation within houses ;
- (43) for prohibiting the owners or occupiers of any premises from allowing any wells or other excavations thereon to be in an unprotected or dangerous state, for compelling the fencing, filling in or covering over of wells or excavations which are in such a state and for doing such work and recovering the cost thereof ;
- (44) for regulating, controlling, or prohibiting the use and erection of any temporary or movable structures whether standing on wheels or otherwise, and for prohibiting or restricting the use of tents or similar structures for business or dwelling purposes ;
- (45) for preventing the discharge of any guttering or down-pipes on to any footway, pavement or side-walk and securing, regulating, and controlling the laying down of pipes to carry any outflow therefrom to such gutter or drain as may be authorized or approved by the council for the purpose ;
- (46) for regulating the size of pieces of ground on which buildings may be erected, for prescribing with due regard to the local conditions of different parts of the municipality the extent and disposition of the open space on private land to be provided and maintained in connexion with new buildings in order to secure proper sanitary conditions, amenity, and convenience in connexion with the laying out and use of land in the locality in which such buildings are erected and for prohibiting the erection of buildings on any open space so provided ;
- (47) for preventing the erection of buildings on ground contaminated by any faecal, animal, or vegetable matter ;

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(48) for requiring and regulating the lighting and cleansing of staircases and passages used in common by different tenants of the same building and the cleansing, drainage, and paving of courts, yards, and open spaces used in connexion with dwellings ;

(49) for prescribing the frontage lines, securing the regularity of lines and level of buildings and of the architecture of buildings and the removal, alteration, and prevention of projections or obstructions in front of buildings ;

(50) for enabling the council to prevent the alteration, erection or use of buildings the class or character of which are either in themselves or from the circumstances or nature of the locality in which they are placed, a disfigurement to the town or an annoyance to the inhabitants thereof ;

(51) for prohibiting the erection of any building deemed by the council to be or be likely to be objectionable by reason of either the nature and/or construction of the building itself, or the uses to which it is to be put, or its environment ;

(52) for regulating or prohibiting the use as a dwelling of any building not erected for that purpose ;

(53) for enabling the council to prevent the sub-division or alteration of buildings or dwellings in such manner as may be calculated to be injurious to health or to depreciate properties in the locality or to cause annoyance to the inhabitants of the neighbourhood ;

(54) for prohibiting buildings or lands being put to uses calculated to depreciate neighbouring property or to interfere with the convenience or comfort of neighbouring occupiers ;

(55) for regulating, restricting, or prohibiting the erection of dwellings or structures of wood or wood and iron or canvas, hoardings or fences ;

(56) for regulating the inspection of buildings and structures by the council and its officers, and for regulating the erection and use of scaffolding and hoarding during the construction, demolition, repair, or alteration of any building, and for charging fees in connexion with any such hoarding ;

(57) for regulating or prohibiting the use of underground rooms for human habitation or occupation ;

(58) for determining and regulating—

(a) the structure of walls, foundations, roofs, chimneys, windows, guttering, down-piping, and all other parts of buildings, whether new or already existing, in order to secure stability sufficient height, light, and ventilation, and the proper carrying off of rain-water, as well as for the prevention of fires and for purposes of health ;

(b) the sufficiency of the space about buildings in order to secure a free circulation of air and the proper ventilation of buildings ;

(c) the closing of buildings or parts of buildings unfit for human habitation and for the prohibition of their use for habitation or occupation ;

(d) adequate provision for the escape of the occupants of any building in the event of an outbreak of fire by way of ordinary or special doors, outside iron stairways, or other means, having regard to the size and use of the building ;

(59) for the giving of notice and the deposit of plans and sections by persons wishing to construct or alter buildings, for the approval or otherwise of all plans and sections of any such buildings or alterations by the council, for charging fees in connexion therewith, and for the removal, alteration, or pulling down, at the expense of the owner, of any work begun or done in contravention of any by-law or regulation, and for preventing the occupation of any new or altered buildings until a certificate of the fitness thereof for habitation shall have been issued and signed by the medical officer of health ;

Townships and Sub-divisions of Land.

(60) for preventing the withdrawal, cancellation or alteration except with the consent of the council of any township plan which has been approved by the council, or the closing up of any streets, roads, or open spaces shown on such plan except with the like consent ;

(61) for preventing without the approval of the council or regulating the sub-division or cutting up of land or the sub-division of existing building lots into smaller areas, and for providing that no transfer of any such sub-division of land shall be registered in any deeds registry unless and until a certificate under the hand of the town clerk shall be produced to the registration officer that the council has approved of

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such sub-division ; provided that by-laws hereunder shall not apply to the sub-division of land for the purpose of establishing a township thereon under the Townships Act ;

Lands, etc., under control of Council.

(62) for providing for the due and proper care of the common pasture and other municipal land and for prohibiting or regulating grazing thereon and for prescribing the fees, if any to be paid in respect of stock kept or depastured ;
(63) for regulating, restricting or prohibiting subject to the provisions of any Proclamation issued under the Game Preservation Ordinance of 1905, or any amendment thereof, the shooting and hunting of game during the open season on municipal lands and for charging fees to persons permitted to shoot or hunt game on such lands ;

(64) for regulating, restricting or prohibiting subject to the provisions of any Proclamation issued under the Fish Preservation Ordinance of 1921 or any amendment thereof, fishing during the open season in dams, water-courses, and other waters under the control of the council and for charging fees to persons permitted to fish therein ;

(65) for granting permits to make bricks or to dig and burn lime or dig or remove clay, gravel, peat, or turf, or to quarry or crush stone or cut firewood, brushwood, or grass upon municipal lands, and for prescribing the fees (if any) to be paid for the same ;

(66) for planting and preserving trees, flowers, and shrubs and for prohibiting or regulating and controlling the planting of trees in public places and for maintaining, cutting, or removing any such trees and preventing the removal or injury thereof ;

(67) for preventing or regulating and controlling the keeping of stallions, jackasses, bulls, rams, he-goats, boars, goats, swine, bees and of wild or dangerous animals within the municipality ;

Traffic and Public Places.

(68) for regulating the width, curbing, paving, guttering, gravelling and cleansing of roads and streets ;

(69) for regulating the traffic and preventing and removing obstructions in or on public places, for dealing with live stock and dead,

diseased, or injured animals found in any public place, and for restricting and regulating the driving of live stock through streets or other public thoroughfares ;

(70) for regulating and controlling traffic, processions, and gatherings at in or on public places and for prohibiting or restricting the use of specified classes of vehicles in certain streets or areas ;

(71) for preventing any person or vehicle from carrying or conveying any article, burden, or load so as to obstruct or incommode passengers or vehicles in any public place, and for preventing the wheeling of wheelbarrows, cycles, or other vehicles on any side-walk or foot-pavement except for the purpose of crossing the same to or from any house or building ;

(72) for preventing persons from congregating with others and so causing an obstruction in any public place except such as may be set apart for the purpose ;

(73) for regulating street trading and licensing and supervising street traders, for prohibiting or restricting street trading by persons under the age of sixteen years and for prohibiting the causing, procuring, or allowing of persons under such age to engage in street trading contrary to the provision of any by-laws ;

(74) for regulating, licensing, supervising, restricting or prohibiting the playing of musical instruments or singing or gramophoning or performing for profit in or on any public place ;

(75) for regulating, supervising, and licensing porters, public carriers, carters, motor vehicle attendants, tramcars, and public vehicles, and the drivers thereof, and for fixing the amount of licence fees to be paid, the charges and fare to be made by distance or by time within or outside the municipality and the number of passengers and the weight, dimensions, and nature of the loads to be carried and for enabling the council to endorse, suspend, or cancel any such licence ; and for compelling the provision and use in public vehicles of such taximeters as may be prescribed by by-law and for providing penalties in the event of such taximeters being found defective ; and for providing in the interests of the safety of the public for the periodical examination by an authorized officer of the council of public vehicles and for prohibiting the use of any vehicle as a public

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vehicle unless a certificate of efficiency under the hand of such officer has first been obtained by the applicant for a licence or by a licensee and for charging a fee for each such certificate ;

(76) for regulating, supervising and licensing separate public vehicles for the use of white persons and of natives or Asiatics or other coloured persons respectively and restricting the use of such public vehicles to such persons ;

(77) for regulating, restricting, supervising and licensing the use of bicycles, tricycles, road locomotives, and traction engines, within the municipality and for registering and stamping such vehicles ; and for empowering the council to prohibit the use of traction engines within the municipality or any portion thereof ;

(78) for licensing and supervising drivers of road locomotives within the municipality and for testing the efficiency of the applicants for such licences and prohibiting the driving of such vehicles by unlicensed persons and for enabling the council to endorse, suspend, or cancel any such licences ;

(79) for empowering the council to enter into reciprocity agreements with other councils whereby vehicles licensed in one municipality shall be recognized as licensed by the other contracting council, the licensing charge being the same in each such municipality ; provided that where the boundaries of two or more municipalities are contiguous, a vehicle license issued in one of such municipalities shall be recognized, in cases where the charges are the same, by the councils of such municipalities, and further provided that such licences shall be issued by the local authority of the municipality in which the applicant for any such licence resides ;

(80) for licensing and regulating all private vehicles except perambulators (and the like) motor vehicles, motor cars, and motor cycles ;

(81) for regulating and controlling the conveyance of meat or dead animals through or along any public streets or public thoroughfares ;

(82) for preventing the placing of articles on window sills or in any other position near any street in such a manner as is likely to cause danger or annoyance to passers-by ;

(83) for prohibiting or regulating, and for inspecting, supervising and licensing the erection of wires of any kind in, along, under, or over

any street or thoroughfare ; provided that such wires as may be erected for public purposes by the Postmaster-General or the Railway Administration shall not be prohibited or regulated and no licence shall be required in respect thereof ;

(84) for regulating, inspecting, supervising, restricting, prohibiting, and licensing the display of advertisements or advertising devices in or in view of any street for prohibiting advertisements, devices, or pictures which are indecent or suggestive of indecency or prejudicial to public morals from being so displayed and for preventing the display of advertisements or advertising devices in such places or in such manner or by such means as in the opinion of the council would be likely to affect injuriously the amenities of or to disfigure any neighbourhood ;

(85) for prohibiting, or regulating, and for inspecting, supervising and licensing the use and passage of advertising vans, sandwich boards, lanterns, flags, screens, or other movable advertising devices in or along any street or thoroughfare ;

(86) for preventing the disfiguring of the fronts of buildings or fences, and for prohibiting, inspecting, supervising and licensing the use, or regulating the size, description, and fixing of sign-boards, screens, private lamps, sun blinds, or other devices attached to or connected with any buildings or fences, by means of which any advertisements or notices of any kind may be displayed ;

(87) for regulating and controlling street decorations and for prohibiting, regulating, and controlling the erection and removal of temporary platforms, seats, and other structures for the use of the public at any meeting or entertainment, or for the accommodation of spectators at any procession, exhibition, ceremony or spectacular display of any kind ;

(88) (a) for regulating and controlling the conveyance, removal, transport, manufacture, storage and use of petroleum (paraffin and petrol) and of any other liquid which the Administrator by proclamation in the *Provincial Gazette* shall declare to be an inflammable liquid or combustible material ;

(b) for prescribing the routes and speed by which and the days and times when explosives or inflammable liquids may be conveyed ;

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(89) for prohibiting or regulating collections of money in public places for charitable or other objects and for prohibiting the employment of white females under the age of sixteen years in any such collections ;

Markets, Sales and Logs.

(90) for establishing and regulating public markets and market dues, and for prohibiting the establishment of any market within the municipality without the permission of the council ;

(91) subject to the provisions of any law relating to natives, Asiatics or coloured persons in urban areas for the setting apart for the exclusive use of natives or Asiatics or coloured persons or Europeans of any portion or portions of any municipal market place ;

(92) subject to the provisions of Act No. 22 of 1925 for regulating public sales and for charging fees in connexion with public sales held on any public square or open space or in a public building ;

(93) for imposing a tax upon the keeping of dogs and providing for the seizure, sale or destruction of ownerless or unclaimed dogs and of dogs in respect of which the tax has not been paid, and also for dealing with vicious, dangerous or diseased dogs and such as create disturbance by barking or otherwise, and prohibiting bitches in heat running loose in the street ;

Lighting.

(94) for regulating the construction and maintenance of all installations for the supply of light, heat or power by means of electricity, gas or otherwise ; and subject to the provisions of sub-section (4) of section *eighty-three* for prescribing conditions under which advances of money or material may be made to owners of land for the purpose of enabling or assisting them in the installation of plain wiring electric or gas fittings and articles in or at their premises ;

(95) for regulating lighting with gas, electricity or otherwise ;

(96) for regulating and controlling the generation of acetylene gas, or other inflammable or explosive gas, and the construction and use of all apparatus connected therewith, and for preventing or regulating the storage of liquid acetylene, or carbide of calcium ;

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Fires.

(97) for preventing and extinguishing fires and compensating the owners of buildings removed in order to prevent the spread of fires, and for regulating fire brigades, and the charges which may be made for the services of such brigades and for the water used at fires ;

Places of Public Entertainment.

(98) for licensing, inspecting, supervising, controlling and regulating theatres, bioscopes, music halls, dance halls, public halls, concert rooms, public billiard rooms, and public bagatelle rooms and other places of public entertainment and for imposing conditions in any such licence restricting the days and hours during which the licensed premises may be kept open ; and in the case of bioscopes, theatres, music halls, concert halls, and other places of public entertainment for coloured persons, Asiatics and natives, for prohibiting the employment or presence of white females in such places of public entertainment or in any house part of which is licensed for such purpose ;

(99) for licensing, inspecting, supervising and regulating the use of cinematograph and bioscope apparatus and appliances and for licensing the operators thereof, and for testing the efficiency of applicants for such licences ;

(100) for establishing, regulating, inspecting, supervising and licensing public places of recreation ;

(101) for preventing, regulating or restricting the singing or performing professionally of persons under the age of sixteen years in any place of public entertainment or recreation ;

General.

(102) for regulating, supervising and licensing wood-sawyers ;

(103) for regulating, supervising and licensing pawnbrokers ; for requiring the deposit of security by any person applying for such licence and for regulating the sales of unredeemed pledges ;

(104) for regulating, inspecting, supervising and licensing the trade, business or occupation of dealers in, buyers and sellers of second-hand goods including bottles, sacks, bones, paraffin and other tins ;

(105) for regulating, supervising and licensing cycle dealers, manufacturers and repairers ;

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(106) for regulating, inspecting, supervising and licensing Asiatic tearooms or eating-houses and for prohibiting the employment or presence of white females in such tearooms or eating-houses part of which is licensed for such purpose ;

(107) for regulating, inspecting, supervising and licensing swimming baths and bathing establishments and for prohibiting and regulating bathing in any open piece of water within the municipality ;

(108) for regulating, inspecting, supervising and licensing boating establishments and for licensing boats whether kept for hire or otherwise, and for regulating the use of and fixing the number of persons to be carried in such boats ;

(109) for regulating, supervising and licensing undertakers ;

(110) for protecting from damage or interference any municipal works or property situated or being in under or over any public or other place within the municipality ;

(111) for prohibiting, restricting or regulating the quarrying or excavation of stone, lime, clay or other material on any premises ;

(112) for preserving and protecting wild animals and wild birds, their nests and eggs within the municipality ;

(113) for prohibiting the sale of *Cannabis indica* (dagga) or any preparation thereof otherwise than by a registered chemist and druggist on the authority or prescription of a registered medical practitioner ;

(114) for preserving public decency, for prohibiting the sale or exhibition of indecent literature, pictures and devices and for prohibiting the sale or exhibition of pictures and devices of the nude ;

(115) for prohibiting or restricting the public exhibition by bioscope, cinematograph, magic lantern, or other mechanism, medium, or agency, or the public exhibition by tableaux, living pictures, bill posters, advertisements, or other illustration publicly displayed, of any prize fight or any other pugilistic contest, or incident or incidents therein, or any such exhibition or representation or illustration as is contrary to good morals or public policy ;

(116) for prohibiting or restricting the public exhibition within the municipality of

monstrosities, freaks of nature, or any abnormal person or animal which in the opinion of the council it is undesirable to be publicly exhibited ;

(117) for prohibiting mendicancy in any public place ;

(118) generally for the good rule and government of the municipality.

No such by-law shall be inconsistent with, contrary or repugnant to the provisions of this Ordinance or any other law in force within the municipality.

PART II.—WORKS.

81. The council may—

(1) establish, acquire, construct, equip, and carry on, within or outside the municipality, works for supplying the inhabitants thereof with water, and make such charges and impose such conditions of service for the supply of water as may be fixed by by-law or regulation ; provided that before commencing to establish, acquire, or construct such works the council shall obtain the consent of the Administrator ;

Works for
the supply
of water.

(2) excavate, construct, and lay down within the municipality water-courses, water-furrows, water-pipes, conduits, sluices, drains, dams, reservoirs, and other works for supplying, storing, and leading water, and close, alter, or divert any of such works as may from time to time be necessary ; provided that if the council close or divert any work for the supply of water and thereby any owner of private property is deprived of a water supply to which his property has been hitherto by law or right entitled, he may lodge an objection with the council and thereupon the council shall not proceed with the closing or diversion unless the consent of the Administrator has been first obtained ;

(3) whenever necessary carry any water-furrows through and across any private property, provided that compensation be made by the council for any damage done thereby, the amount of such compensation in default of agreement being determined by arbitration in manner provided by the Municipalities Powers of Expropriation Ordinance 1903 ;

(4) make advances to the owner of any land of money or material for the purpose of enabling him to instal a water supply on his premises from municipal mains under such conditions as

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may be approved by the council. The provisions of sub-sections (2) to (5) of section one hundred and sixty-seven hereof shall *mutatis mutandis* apply to any advances made under this sub-section.

Supply of
water to
private
premises.

82. In any municipality the council of which carries on works for the supply of water to the inhabitants thereof no person shall construct any works for the supply of water to any premises without first obtaining from the council permission in writing to construct such works; provided however that such permission shall be granted by the council in all cases where the council is not itself willing and able to give a proper and sufficient supply of water to any premises at such price as may be fixed in its by-laws or approved by the Administrator, and provided further that nothing in this section shall prohibit the owner of any premises from constructing thereon any works for the supply of water to such premises.

Works for
supply of
light, heat,
and power.

83. (1) Subject to the provisions of section *thirty-eight* of the Electricity Act No. 42 of 1922, the council may establish, acquire, construct, equip, and carry on, within or outside the municipality, works for supplying the inhabitants of the municipality with light, heat, and power, and may supply electricity and gas for all purposes for which the same can be used, to or in respect of any land, building, or premises within the municipality, and may make such charges and impose such conditions of supply as may be fixed by by-law or regulation; provided that before commencing to establish, acquire, or construct such works the council shall obtain the consent of the Administrator.

(2) A council, having established electric light works under sub-section (1) hereof, may—

(a) subject to the provisions of section *thirty-nine* of the Electricity Act No. 42 of 1922, supply electricity to any corporation, company or person carrying on business or residing beyond the municipality with the consent of the local authority, if any, of the area in which the supply is given, and the provisions of this Ordinance as to the supply of electricity to the inhabitants of the municipality shall, so far as may be applicable, extend and apply to the case of such supply beyond the municipality;

(b) contract with the council of any adjoining municipality to supply electricity to such council upon such terms and conditions as may be mutually agreed upon;

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(3) The council may sell (including sale against payment by instalments) electric lines, fittings, apparatus or appliances to private consumers under conditions to be approved by the Administrator. The provisions of sub-sections (2) to (5) of section *one hundred and sixty-seven* hereof shall *mutatis mutandis* apply to any advances made under this section.

(4) The council may make advances of money to any owner of land within or without the municipality for the purpose of enabling or assisting him in the installation of plain wiring, electric or gas fittings and articles in or at his premises, provided that any one advance hereunder shall not exceed fifty pounds (£50) without the sanction of the Administrator: such sum to include the cost of the connexion to the council's mains and every expense in connexion therewith. The provisions of sub-sections (2) to (5) of section *one hundred and sixty-seven* hereof shall *mutatis mutandis* apply to any advances made under this sub-section.

84. The council may—

(a) do all things necessary for the laying of main and branch wires and lines of pipes to convey electric current, gas, or water underneath and over public places, and connect such wires or pipes with any premises at the request of the owners or occupiers thereof;

(b) after giving thirty days' notice in writing to the owner, lessee, or occupier of their intention, carry mains, pipes, wires and cables through, across, under or over any private land, within or outside the municipality, making compensation for any damage done, the amount of compensation in default of agreement being determined by arbitration in manner provided by the Municipalities Powers of Expropriation Ordinance 1903, and the council may cause such mains, pipes, wires, and cables to be laid, altered, deepened, covered, over-erected, and maintained within or outside the municipality, provided that if any owner, lessee, or occupier of land outside the municipality object to such work the provisions of sections *one hundred and sixty-three* and *one hundred and sixty-four* shall *mutatis mutandis* apply.

To lay pipes and wires in public places and private property.

85. All mains, pipes, wires or cables laid by or on behalf and at the expense of the council or which are under its control shall be vested in the council and the council or any persons duly authorized by it shall at all times have a right of access to private

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property for purposes of inspection, maintenance, alteration, or repair of such mains, pipes, wires, or cables, and may do all things necessary to uncover and expose such mains, pipes, wires or cables, for the purposes of such inspection, maintenance, alteration, or repair; provided that the council shall repair all damage caused by the exercise of its powers under this section.

Power of
entry into
premises
supplied.

86. Any officer appointed thereto by the council may at all reasonable times enter any premises to which electricity, gas, or water is or has been supplied by the council, in order to inspect the pipes, electric wires, lines, meters, accumulators, fittings, works, and apparatus for the supply of electricity, gas, or water belonging to the council, or for the purpose of ascertaining the quantity of electricity, gas, or water consumed or supplied, or whenever a supply of electricity, gas, or water is no longer required, or whenever the council is authorized to take away and cut off the supply of electricity, gas, or water from any premises, or for the purpose of removing any pipes, electric wires, lines, accumulators, fittings, works, or apparatus belonging to the council, all damage caused by such entry, inspection, or removal being made good by the council.

Power to
cut off
supply.

87. If any person neglect to pay any charge for electricity, gas, or water or any other sum due to the council in respect of the supply thereof or in respect of any advances made under sub-section (4) of section *eighty-three* of this Ordinance, it may cut off such supply, and for that purpose may cut or disconnect any pipe, electric wire, line, or other work through which the electricity, gas, or water may be supplied, and may, until such charge or other sum together with the cost incurred by the council in cutting off such supply of electricity, gas, or water, is fully paid but no longer, discontinue the supply thereof to such person.

Penalty for
injuring pipes
or wires.

88. Any person who by culpable negligence or with malicious intent cuts or injures any wire, line, pipe, or other work used for the conveyance of electricity, gas, or water, and vested in the council as aforesaid, shall be guilty of an offence and liable upon conviction to make good the damage done by such injury or to a fine not exceeding one hundred pounds, or to be imprisoned with or without hard labour without the option of a fine, for a period not exceeding two years.

CHAPTER VII.

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PROVISIONS AS TO LICENCES AND BY-LAWS.

PART I.—LICENCES.

89. The council may impose such duties or fees in respect of any trade, occupation, or premises which it is empowered under this Ordinance to inspect or supervise, and license, as may be fixed by its by-laws for the time being in force.

Duties or
fees.

90. (1) The council may appoint committees for the purpose of hearing any application for licences to carry on any trade or business or may itself sit to hear such applications, and the mayor or the chairman of any committee so appointed as the case may be shall have power to summon any applicant for or any objector to the grant of a licence (by writing under his hand served on such person) to give evidence at any sitting of the council or a committee held for the purpose of hearing the application for such licence or to produce books or documents at such sitting and any such person refusing or omitting without sufficient cause to attend and give evidence or to produce books or documents in his possession or under his control as required by such summons shall be guilty of an offence against this Ordinance; provided always that every person summoned under this section to give evidence or produce books and documents shall be entitled to all the privileges to which a witness summoned to give evidence or produce books or documents before the Supreme Court is entitled.

Licensing
procedure.

(2) All witnesses giving evidence before the council or a committee at the hearing of any application for such licences shall give evidence on oath which may be administered by the mayor or the councillor presiding.

(3) Any witness who shall after being duly sworn wilfully give false evidence at the hearing of any such application concerning the subject-matter of inquiry shall be guilty of perjury and shall be liable to be prosecuted and punished according to law.

(4) The council or the committee may cause any deposition taken before it on oath at the hearing of any such application to be taken down in writing and signed by the deponent and shall authenticate it by the signature of the mayor or councillor presiding as the case may be as having been taken at such hearing and every such deposition so taken down and authenticated shall be deemed and taken to be good evidence in a prosecution for perjury.

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of 1926. council to
 refuse
 licences.

91. (1) The council may refuse to grant any licence to carry on a trade or business which it has power to license in accordance with its by-laws on any of the following grounds—

- (a) that within the three years immediately preceding the application either the applicant or any person employed by or assisting him in his business or directly or indirectly interested therein has been convicted three times of contravening a law, by-law, or regulation in force in a municipality as regards the conduct of the trade for which the licence is applied for ;
- (b) that the premises in or on which the applicant intends to carry on his trade or business do not conform to the requirements of the council's by-laws ;

and in the case of applications for a licence to carry on any trade or business wherein articles of food or drink are produced, prepared, used, or sold for human consumption also on any of the following grounds, namely—

- (c) that the granting of such a licence in respect of the premises for which it is sought is calculated to cause nuisance or annoyance to persons residing in the neighbourhood ;
 - (d) that the applicant is by reason of the uncleanness of his person or habits or methods, unfit to be entrusted with the handling, preparation, or sale of articles of food or drink intended for human consumption ;
 - (e) that in the opinion of the council the applicant is not a desirable person to hold such licence ;
- provided that any person interested who may feel himself aggrieved at the granting of any licence by the council, or any applicant for a licence whose application has been refused, may appeal against the council's decision to the magistrate, and in the event of the council failing to satisfy such magistrate on the appeal that the licence was granted or refused on good and sufficient ground, such magistrate may order the council to cancel or grant such licence as the case may be, and such licence shall be cancelled or granted accordingly. The decision of the magistrate given on appeal to him hereunder shall be final.

(2) The council may refuse any licence for a kaffir eating-house or native restaurant where in the opinion of the council the number of kaffir eating-houses or native restaurants is in excess of the requirements of the neighbourhood.

(3) The council shall refuse to grant a licence for a refreshment shop unless such shop is carried on in a room or rooms used solely for the purpose of the

sale of freshly prepared meals, bread, fruit, sweets, confectionery, tobacco, matches, vegetables, or flowers or where such room or rooms have any internal means of communication with any other shop, room or rooms in which goods other than those aforesaid are kept for the purpose of sale.

For the purposes of this sub-section the expression "refreshment shop" shall mean and include a restaurant, tearoom, café, confectionery, fruiterer's or greengrocer's shop.

92. The council may refuse a licence in respect of any premises as a theatre, music hall, dance hall, public hall, concert room, or other place of amusement or as a native or Asiatic eating-house, or as a place where articles of food or drink are sold or offered for sale for consumption on the premises or to license any person as a hawker, pedlar, driver of a public vehicle, street trader, pawnbroker, boarding-house keeper, lodging-house keeper, person carrying on the trade of fumigation, or cycle dealer on any of the grounds mentioned in the last preceding section, and also on any one or more of the following grounds :—

Power of council to refuse to license certain premises and traders.

(a) that the applicant has failed to produce satisfactory evidence of good character ;

(b) that the premises in respect of which a licence is sought or any adjacent premises owned or occupied by the applicant are frequented by persons of bad character ;

(c) that the granting of such licence would be contrary to the public interest ;

provided however that the granting of any licence or the refusal of the council to grant any licence on any of the grounds herein stated shall be subject to the same appeal as is provided in the preceding section.

93. The council may in respect of a licence which it may grant under its by-laws and which entitles the holder thereof to carry on any trade or business for manufacturing, preparing, selling, or using articles of food or drink for human consumption—

Power of council to grant certain licences upon certain conditions.

(a) impose conditions prohibiting or restricting the employment on premises, where articles of food and drink are sold, of females under the age of sixteen years, or the employment on such premises of females after eight o'clock at night ;

(b) impose conditions as to the persons who by reason of their condition of life, habits or health shall be restricted in or prohibited from the

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preparation or handling of such articles of food and drink in connexion with any such trade or business as aforesaid ;

(c) impose conditions prohibiting the employment in the licensee's business of any person who has within the preceding three years been convicted three times of contravening a law, by-law, or regulation in force in any municipality as regards the conduct of the trade for which the licence is granted ;

(d) impose conditions prohibiting the licensee, his servants, or any other person from residing in any shop or premises in on or from which is carried on any such trade or business as aforesaid ;

(e) impose any other conditions which may be prescribed by by-law ;

provided that the conditions imposed by the council under this section shall be clearly endorsed upon the licence and the licensee shall sign a duplicate of the form of licence containing such conditions. The council shall retain the duplicate so endorsed and signed and the same shall, when produced before any court of law, be prima facie evidence of the conditions imposed ; any breach by a licensee of any condition imposed in respect of his licence under this section shall be deemed to be an offence against this Ordinance.

Power of council to refuse certain licences at discretion.

94. Anything to the contrary in this Ordinance notwithstanding, the council may, in its discretion refuse to grant licences to the hauler of any jinricksha or to the driver of any road locomotive, traction engine, tramcar, or public vehicle or to any applicant for a licence who is medically or physically unfit or who has failed to pass any test of efficiency or to deposit any security prescribed by by-law.

Penalty on conviction for contravention of law or council's by-laws relating to licences.

95. On the conviction of any person holding a trade licence granted by the council for any contravention of the Liquor Licensing Ordinance 1902 or any amendment thereof or for contravening the law or the council's by-laws either in the conduct of such trade or on the premises on which such trade is carried on or for breach of the lawful conditions upon which such licence was granted, the magistrate's court before which such person was convicted may upon application made within seven days after such conviction either on behalf of the council or of the Attorney-General of the Province endorse, suspend, or cancel his licence and order that no new licence to carry on such trade within the same municipality be granted to such person for a period not exceeding

two years from the date of the cancellation, and thereupon such person shall become disqualified to hold a licence during the period of suspension or cancellation ; provided that if a trade licence granted to any company or partnership or to any person on behalf of a company or partnership is cancelled or suspended, any disqualification to hold a licence which may be imposed hereunder may be attached either to such company or partnership or to the person who under section *one hundred and twelve* was responsible for the offence in respect of which the order of suspension or cancellation is made, or both to the company or partnership, and such person as the magistrate's court making the order may determine.

96. (1) No person shall carry on within the municipality the work of a knacker or of blood boiling, bone boiling, soap boiling, tripe boiling or cleaning, tallow melting, fat melting, or fat extracting, fell-mongering, skin storing, skin curing, blood drying, gut scraping, fishmongering, fish frying, leather dressing, tanning, glue-making, size-making, charcoal burning, brick-burning or lime-burning, manure making, manure storing, bone storing, or any other work or trade of an offensive nature which, with the sanction of the Administrator, the council may add to the above list, without having first obtained from the council a licence for the purpose.

Licensing of
offensive
trades.

(2) Any person who shall carry on any such work or trade without having obtained the necessary licence from the council shall be liable to a penalty not exceeding fifty pounds, and to a further penalty not exceeding two pounds for every day during which such offence shall continue after notice to cease such offensive work or trade has been served on such person by the council by personal delivery or by registered post or by leaving the same at his office, work, or dwelling.

(3) Before considering any application for any such licence as is mentioned in this section the council may require the applicant to pay the cost of advertising full particulars of his application in such a manner and for such period as the council may think fit.

(4) The council may refuse to grant any such licence as is mentioned in this section on any of the grounds mentioned in section *ninety-one* of this Ordinance and also on any one or more of the following grounds, namely—

(a) that the premises used or proposed to be used by the applicant for the work or trade for which the licence is sought are unsuitable for the purpose ;

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(b) that the methods adopted or proposed to be adopted by the applicant for preventing noxious or offensive vapours, gases, or smells arising from such work or trade are not efficient ;

provided however that the refusal of the council to grant any licence on any of the grounds herein stated shall be subject to the same appeal as is provided in section *ninety-one* aforesaid.

PART II.—BY-LAWS.

How
by-laws to
be made.

97. No by-law shall be made or amended by the council until a copy of the proposed by-law or amendment be deposited at the office of the council for inspection by any person at all reasonable times, and a notice be published in the *Provincial Gazette* and in a newspaper circulating in the municipality and affixed to the principal door of the council's offices, or on the principal notice board, twenty-one days prior to the meeting of the council held for the purpose of making such by-law or amendment setting forth its general purport and stating that a copy of the same is open to inspection as aforesaid.

Procedure to
be followed
in case of
by-laws
affecting any
mining
company.

98. Where any proposed by-law affects any mining company in respect of the management of its mining operations or the control of the property on which such operations are carried on, the following procedure shall be followed :—

(a) the proposed by-law as passed shall be transmitted by the council to all the companies engaged in mining operations within the municipality, or to any association representative of such companies ;

(b) if any such company or association desires to object to such by-law on the ground that the interests of any mining company would be unduly prejudiced thereby it shall transmit to the council a statement of its objections within a period of fourteen days from the date on which the by-law was received by it from the council ;

(c) on receipt of such statement within the time specified the council shall, in submitting the by-law to the Administrator for approval transmit for the consideration of the Administrator a copy of such statement together with a statement of the observations (if any) which it may desire to make thereon ;

(d) the Administrator shall refer the proposed by-law together with the statements hereinbefore mentioned to the Minister of Mines for report before approving or rejecting it ;

(e) the foregoing procedure shall be followed in any case where in the course of the discussion upon any by-law by the council a motion shall be proposed and seconded that it be so dealt with.

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99. After any by-law has been made or amended by the council, such by-law or the amendment thereof shall be submitted to the Administrator who before approving it shall satisfy himself that the provisions of sections *ninety-seven* and *ninety-eight* have been complied with, and that the provisions of the by-law are not inconsistent with, contrary, or repugnant to the provisions of this Ordinance or any law or regulation in force within the municipality.

Submission of draft by-law for approval of Administrator.

100. The Administrator may approve, alter or reject any by-law or amendment as he may think fit.

Power of Administrator to approve or reject by-law when submitted.

101. Together with copies of all by-laws or amendments of by-laws submitted for the approval of the Administrator under the last preceding section the town clerk shall submit to the Administrator—

Town clerk to submit copies of minutes concerning draft by-laws to Administrator.

(a) a copy of the minutes of the meeting of the council at which the by-law or amendment was adopted ;

(b) a certificate by the town clerk that the provisions of section *ninety-seven* and, where necessary, of section *ninety-eight* have been complied with ;

(c) copies of any objections against the adoption of the by-law or amendment that may have been lodged, in writing, with the town clerk, or, if none have been lodged, a statement to that effect.

102. Upon the approval by the Administrator of a by-law, or an amendment thereof by the council (with or without alterations and amendments made by the Administrator), the Administrator shall cause a copy of the by-law or amendment so approved to be transmitted to the town clerk, and a copy of the by-law or amendment so approved shall be published by the Administrator by a notice in the *Provincial Gazette* and by the town clerk by a notice affixed either to the principal door of the offices of the council or to the municipal notice board, and signed by the mayor or two councillors and by the town clerk. Half the cost of publishing in the *Provincial Gazette* any such by-law or amendment or any

Promulgation of by-laws approved.

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regulations under section *twenty-three* (3) of the Natives (Urban Areas) Act 1923 shall be borne by the council.

Such by-law or amendment thereof shall have the force of law within the municipality from and after the date of its publication in the *Provincial Gazette* unless expressly otherwise provided in the notice under which it is published.

Proof of
publication
of by-law.

103. A copy of the *Provincial Gazette* containing a notice publishing any by-law or amendment thereof under the provisions of the last preceding section shall, in all legal proceedings until the contrary is proved, be evidence that such by-law or amendment thereof has the force of law within the municipality in respect of which it has been made and approved as aforesaid.

By-laws
open to
inspection
and copies
obtainable.

104. Copies of the *Provincial Gazette* containing by-laws and amendments thereof approved by the Administrator as aforesaid and of all regulations and amendments thereof shall be open to inspection at the offices of the council at all reasonable hours.

It shall be the duty of the town clerk upon application, and upon payment of such sum as may be determined by the council (not exceeding threepence for every hundred words contained in such by-law or regulation or ten shillings in all), to furnish any person with a copy of every such by-law, regulation, or amendment.

Power of
Adminis-
trator to
revoke
by-laws.

105. The Administrator may in his discretion at any time after having given the council concerned reasonable notice and his reasons therefor and after having heard such council revoke, alter, or amend any by-law, and such revocation shall be notified to the council by the Administrator who shall in addition publish a notice in the *Provincial Gazette* and in a newspaper (if any) circulating in the municipality, notifying such revocation, alteration, or amendment or shall cause a notice thereof to be affixed to the principal door of the magistrate's court-house and to the offices of the council.

Power to
impose
penalties
for breach
of by-laws.

106. Any by-law may provide a fine or other penalties for any breach thereof, and may also provide for different fines or other penalties in case of successive or continuous breaches, but no fine shall exceed fifty pounds. Any such by-law may further provide that in addition to this fine, any expense incurred by the council in consequence of a breach of any by-law or in the execution of any work directed by any by-law to be executed by any

person and not executed by him, shall be paid by the person committing such breach or failing to execute such work.

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107. All offences against any regulation or by-law in force in the municipality shall be deemed to be offences against this Ordinance and every person guilty of such an offence or of a contravention of any of the provisions of this Ordinance shall for every such offence, be liable to the penalty expressly imposed by the regulation or by-law or by this Ordinance, and if no penalty be imposed then to a fine not exceeding ten pounds.

Penalties
where not
otherwise
provided.

108. All fines or other moneys payable in respect of any offence against this Ordinance, or any regulation, or any by-law, may be recovered before any court of competent jurisdiction.

Recovery
of fines.

109. Save as in this Ordinance is otherwise expressly provided, whenever any fine shall have been imposed under the provisions of this Ordinance or of any regulation, or of any by-law, and the person convicted shall not forthwith pay the same, the court imposing the fine may direct that such person be imprisoned with or without hard labour for a period not exceeding one month, if the fine imposed do not exceed five pounds, or for a period not exceeding three months if the fine imposed exceed five pounds, and such person shall be imprisoned as aforesaid unless he shall sooner pay such fine.

Default of
payment
of fine.

110. Every fine recovered for an offence against a by-law or regulation or for any other offence against this Ordinance or any bail forfeited for the failure of any person charged with such offence to appear to answer such charge, shall be paid into the revenue of the council; provided that the magistrate convicting in all cases of contraventions of by-laws or regulations may order the defendant to pay such costs as he may consider reasonable.

Application
of fines and
defrayment
of cost of
prosecution.

111. The following persons shall be liable to a fine not exceeding ten pounds or to imprisonment with or without hard labour without the option of a fine for a period not exceeding three months—

Obstructing
officers
of the
council.

- (1) any person who wilfully obstructs any councillor or any person duly employed by the council in the execution of his duty;
- (2) any occupier of premises who prevents the owner of such premises from complying with any lawful requirement of the council;
- (3) any occupier of premises who on demand refuses, or wilfully omits to disclose, or wilfully misstates his own name or the name of the owner of such premises;

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(4) any person who refuses to answer to the best of his ability or knowingly makes false answers to inquiries made by the medical officer of health or any sanitary inspector specially authorized by him in writing for the purpose of discovering cases of any infectious disease or possible sources of infection of any such disease.

Contra-
vention of
Ordinance,
by-law or
regulations
by company
or partner-
ship.

112. If any contravention of this Ordinance or any amendment thereof or of any by-law or regulation is committed by a company or partnership, every managing director, or person having the management or control in this Province of the business or property in the case of a company and every such person and each partner in this Province, in the case of a partnership, shall be responsible therefor, and shall be liable to the penalty provided for such contravention, provided that nothing in this section contained shall be deemed to exempt from liability any other person guilty of the contravention.

Council's
power to
prosecute.

113. The council may by any person authorized thereto in writing under the hand of the mayor or town clerk prosecute summarily in the magistrate's court for all offences against this Ordinance or any by-law or regulation ; and the provisions of any law relating to prosecutions by private persons in such court shall apply to all such prosecutions.

Abatement
of
nuisances.

114. Complaint may be made to a magistrate of the existence of a nuisance under this Ordinance or under any by-law or regulation made under such Ordinance on any premises within the municipality by any person aggrieved thereby and thereupon the same proceeding shall be had with the like incidents and consequences as to making of orders, penalties for disobedience of orders, appeal and otherwise, as in the case of a complaint relating to a nuisance made to a magistrate by a council in terms of the immediately preceding section.

Provision
for
affixing to
premises
notice *re*
conviction
for sale or
possession of
diseased
animal or
unsound
food.

115. Where any person is convicted for a second time within a period of twelve months of having contravened a by-law by selling or exposing for sale or depositing for the purpose of sale or of preparation for sale or having in his possession any animal or article (whether liquid or solid) intended for the food of man which is diseased or unsound or unwholesome or unfit for the food of man, the magistrate may, if he thinks fit, and finds that such person knowingly or wilfully committed both offences, in addition to inflicting any other penalty order that a notice of the facts be affixed in such form and manner and for such period not exceeding twenty-one days as may

be specified in the order to any premises occupied by such person and that the person do pay the costs of such affixing; and if any person obstructs the fixing of such notice or removes, defaces, or conceals the notice while affixed during the said period he shall for each offence be liable to a fine not exceeding ten pounds (£10).

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CHAPTER VIII.

VILLAGE COUNCILS.

PART I.—CONSTITUTION AND ELECTION OF VILLAGE COUNCILS.

116. (1) The councils of municipalities established under Ordinance No. 9 of 1912 mentioned in the Fifth Schedule to this Ordinance shall, from the commencement of this Ordinance, be constituted village councils with jurisdiction over the municipal areas existing and defined as at such commencement.

Constitution
of village
councils.

(2) For the purpose of establishing a village council for any other town, village, or area (not being a municipality), or for establishing a village council in the place of a town council or health committee for any area, or for exercising in respect of a village council such other powers as are conferred by section *nine* of this Ordinance, the provisions of sections *nine* to *fourteen* inclusive of this Ordinance shall *mutatis mutandis* apply.

117. Every village council constituted under this Ordinance shall, under the name of the village council of, be a body corporate with perpetual succession, and shall by such name be capable in law of suing and being sued, of purchasing, holding, and alienating land, and generally of doing and performing such acts and things as bodies corporate may by law do and perform, subject to the provisions of this Ordinance and any other law affecting such village council.

Incorporation
of village
councils.

118. (a) Save as is provided in paragraph (b) hereof, the members of the councils mentioned in the Fifth Schedule of this Ordinance and the chairman and deputy-chairman thereof shall continue in office as if such council had not been reconstituted under the provisions of this Ordinance until the first day of November, 1926, when they shall retire from office and cease to be councillors but shall nevertheless be qualified to be candidates for re-election if not disqualified under this Ordinance.

Members of
existing
councils
of minor
municipali-
ties to
continue
in office.

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(b) The members of the Innesdalé Village Council and the chairman and deputy-chairman thereof shall continue in office under the provisions of the Municipal Elections Ordinance, 1912, or any amendment thereof as if such council had not been reconstituted under the provisions of this Ordinance.

Qualification
of voters
for election
of village
councils.

119. Every white person, male or female, of the age of twenty-one years and upwards being a British subject who is the owner of rateable property within the municipality or who shall have resided within the municipality for a period of six months immediately preceding the compilation of the voters' roll or his application to be registered on the voters' roll, shall, subject to the disqualification hereinafter set out, be entitled to be enrolled on such voters' roll, provided that no person shall at any one time be enrolled on the voters' roll in more than one municipality.

Dis-
qualifications.

120. (1) No person whose name does not appear on the voters' roll for the time being in force shall be entitled to vote at any election of a village council.

(2) No person of unsound mind declared as such by a competent court shall while of unsound mind be capable of being registered as a voter.

(3) The following persons shall not be qualified to vote at any election held under this chapter:—

(a) Persons at any time convicted of murder, or until the lapse of three years from the date of the expiration of the sentence of any crime for which the punishment is imprisonment with hard labour without the option of a fine, unless a free pardon shall have been granted.

(b) White men cohabiting with native or coloured women.

Framing of
voters' list.

121. (1) As soon as possible after the commencement of this Ordinance or within one month from the date of a proclamation under this Ordinance establishing a village council the magistrate or some other person appointed by the Administrator shall frame a list of all persons who are qualified in accordance with section *one hundred and nineteen* to vote at the election of a village council and who are not disqualified under the last preceding section.

The said first voters' list may be amended by the magistrate or other person appointed and such list shall be open for inspection at the office of the magistrate or other person for fourteen days before the day of the election of members of the council, provided that no amendment of the said list shall be made within a period of seven days before the day of the election.

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(2) The cost of framing such list shall be at the charge of the council.

(3) Every subsequent voters' list shall be drawn up by the council before the fifteenth day of August in each and every year.

(4) The council shall immediately after drawing up the said list by notice posted outside the office of the council notify that a copy of the said list is open for inspection at the said office, and a copy of such list shall be open to inspection at the said office, during office hours, for a period of fourteen days. The said notice shall also intimate that on a certain date, being not less than seven days after the expiration of the said fourteen days, and at an hour and place to be therein set forth, claims to be inserted on, or objections to the said list will be heard and determined.

(5) The chairman and two other members of the council shall, on the day notified, in open session hear all such claims and objections and determine thereon, and may adjourn from time to time as may be necessary.

(6) The revised list certified by the chairman shall be and remain the voters' list in force and shall not be added to or altered until a new list is drawn up hereunder.

122. The Administrator may fix and from time to time increase or decrease the number of councillors of any village council and every such increase or decrease shall be notified by proclamation in the *Provincial Gazette*, provided that the number of councillors for any village council shall not be less than three nor more than twelve, and further shall be a number which is a multiple of three.

Fixing the number of members.

123. (1) Elections of village councils shall be held during the month of October in each year in the manner hereinafter provided.

Date of annual election of village councils and notice of meeting of election.

(2) The magistrate or such other person as may be appointed by the Administrator (hereinafter referred to as the presiding officer) shall, subject to the provisions of sub-section (1), fix the day for holding the election, and not less than fourteen days before the day so fixed, he shall publish a notice in a newspaper (if any) circulating within the municipality, and cause such notice to be affixed at a place approved by the presiding officer and at such other conspicuous places within the municipality as the presiding officer may deem convenient.

(3) Such notice shall summon a public meeting of the persons enrolled upon the voters' list of the municipality to nominate and elect councillors.

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(4) Every such notice shall specify the hour and place within the municipality at which the meeting will be held and the meeting shall be held at the hour and place so specified. The said notice shall also specify the duration of the said meeting.

Presiding
officer to
preside.

124. At the time and place specified in the notice the presiding officer shall attend and shall preside at the meeting held.

Qualification
of person for
nomination
as councillor
or for holding
office on
council.

125. Any person, male or female, qualified to be registered as a voter at elections of councillors under this chapter shall be eligible to be elected a councillor ; provided that no person whose estate is in liquidation or under assignment in trust for his creditors or sequestrated as insolvent, and who has not obtained his rehabilitation, nor a person of unsound mind declared as such by a competent court nor a person who is disqualified under sub-section (3) of section *one hundred and twenty* shall be capable of being elected, or if elected, of continuing to be a councillor ; provided further that no person holding any office or place of profit under or in the gift of the council nor the spouse of such person shall be capable of being elected or of continuing to be a councillor.

Nomination
of candidates
for election.

126. Any person enrolled upon the voters' list of the municipality and present at such meeting may propose for election as a village councillor any person qualified to be elected, and every such proposal shall, before it is submitted to the meeting, be seconded by some other person enrolled upon the voter's list of the municipality and present at such meeting. The person so proposed and seconded shall be deemed to be duly nominated as soon as he shall personally at the meeting or in writing by letter or telegram have signified his acceptance of nomination. If the number of persons duly nominated be no more than the number of councillors to be elected, the presiding officer shall then and there declare the persons so nominated to be elected; but if the number of persons duly nominated be more than the number of councillors to be elected, the presiding officer shall at a time and place and on a date to be then and there fixed by him, such date being not later than fourteen days from the date of the said meeting, then and there proceed to take a poll of the enrolled voters in manner provided in the next succeeding section.

Mode of
holding
election

127. (1) The presiding officer shall read out to the meeting the names of the persons duly nominated. Each voter present at the meeting shall in turn come to the desk where the presiding officer is sitting, and on satisfying the presiding officer that his name is

on the voters' list for the municipality and that he has not already voted at the election then being held, shall record on a slip of paper duly perforated or officially marked by the presiding officer and handed to the voter by him the names of the persons nominated for whom he wishes to vote not exceeding the number of persons to be elected. The voter shall then deposit the slip of paper in a box provided for the purpose. The meeting shall be closed at the expiry of six hours from the hour specified as the time of meeting, unless there shall be any enrolled voter present who shall not have recorded his vote; in which case the presiding officer shall have power to prolong the meeting until every such voter shall have recorded his vote; provided that where the aggregate number of voters on any voters' list is less than two hundred and fifty the number of hours allowed for the duration of the meeting as aforesaid may in the discretion of the presiding officer be reduced to not less than four hours if due notification of such reduction was given in the notice referred to in section *one hundred and twenty-three* hereof.

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(2) The presiding officer shall then open the box and proceed to count the votes so recorded and shall declare the names of the persons who have received the greatest number of votes to be duly elected in the order of the number of votes recorded for them. In the event of the number of votes recorded for any two or more candidates being found to be equal and in the event of the equality affecting the result of the election, the presiding officer shall by lot determine which shall be declared duly elected. The presiding officer shall then enclose the voting papers in a sealed packet and retain possession thereof, and shall after a period of three months destroy its contents. The presiding officer shall not at any time disclose the manner in which any voter has recorded his vote.

(3) All expenditure necessarily incurred by the presiding officer in connexion with the nominations for and the holding of any election shall be borne by the council.

128. (1) Any voter may lodge an objection against the election of any one or more persons whom the presiding officer has declared duly elected under the last two preceding sections. Such objection shall be lodged with the presiding officer within seven days after the declaration of election, and shall state in writing the grounds of the objection,

Provisions
in case of
election
irregularly
held.

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and the presiding officer on receiving such objection shall thereupon make such inquiries as he may think fit and shall in his discretion allow or disallow such objection.

(2) If any election shall be set aside by the presiding officer in consequence of his allowing any such objection, or if by reason of any failure or neglect or any other cause whatever any meeting for the election of councillors shall not be held, then and in every case the presiding officer shall, as soon as possible after any such event or failure shall have been notified to him call meetings of electors for the purposes of nominating and electing a councillor or councillors as in manner hereinbefore provided.

Casual
vacancies.

129. Any councillor who shall cease to possess the qualifications by this Ordinance required, or who shall become disqualified under this Ordinance, shall *ipso facto* vacate his office and the chairman of the council shall at the next meeting of the council declare any such vacancy which may have occurred ; and in case any person elected a councillor shall die or become disqualified under the terms of this Ordinance, or cease to be qualified to be a councillor, or shall resign or shall refuse to accept the office of councillor, or in case of any vacancy occurring under Chapter IV of this Ordinance, or in any manner whatever then the chairman of the council shall notify any such vacancy to the magistrate, who shall, except in the circumstances mentioned in the first proviso to this section, forthwith summon a meeting of enrolled voters for the municipality for the purpose of filling up such vacancy in the manner hereinbefore provided ; provided that if any such vacancy shall occur within three months prior to the first day of November in the year in which the councillors go out of office such vacancy shall not be filled but shall continue until the next general election is held ; provided further that if there shall be more than three vacancies they shall be filled up at a special election held for the purpose and conducted in manner in this Ordinance provided.

Provisions
in case of
failure to
elect
members.

130. If from any cause there shall not be elected the requisite number of councillors at any election held under this chapter the Administrator may appoint any person or persons to be a councillor or councillors in order to make up the number required for the council and may prescribe the period during which persons so appointed shall hold office as councillors.

131. (1) The first election under this Ordinance of village councils constituted under sub-section (1) of section *one hundred and sixteen* shall take place during the month of October, 1926, and the date of taking office by the councillors who are elected at such election shall be the first day of November, 1926; provided that any casual vacancy occurring in any such village council before the date of the first election to be held as aforesaid shall be filled in the manner prescribed by this Ordinance; provided further that any councillor elected to fill a casual vacancy in the manner aforesaid shall hold office only until the first day of November, 1926.

First election of village councils.

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(2) The first election under this Ordinance of village councils constituted under sub-section (2) of section *one hundred and sixteen* shall take place on or between such days as may be fixed by the Administrator by proclamation in the *Provincial Gazette*, and on the issue of such proclamation, the presiding officer shall fix a day in accordance with the terms of such proclamation for holding the election, and shall issue such notice as prescribed by section *one hundred and twenty-three*.

132 At any such first election one-third of the councillors elected, being those who stand highest on the poll, shall continue in office for a period of three years, and the one-third of the councillors elected who stand next highest on the poll, shall continue in office for a period of two years, and the remaining third of the councillors elected shall continue in office for a period of one year; provided that in any case in which the councillors who have received an equal number of votes and cannot on that account be placed in the first, second or third divisions of councillors aforesaid, or if there be no poll, it shall be determined by lot which councillors shall continue in office respectively for three or two years or one year. The presiding officer in declaring the result of the election shall further declare the respective periods for which the councillors are elected.

Periods of office of councillors elected at first election.

133. In the case of a first election of a village council constituted under sub-section (2) of section *one hundred and sixteen* the Administrator may, notwithstanding anything in the preceding section contained, prescribe the periods for which each division of councillors elected at such first election shall continue in office.

Administrator may fix periods of office.

134. After any such first election of councillors there shall be an annual election of councillors which shall take place in the month of October of each

Annual election of councillors.

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and every year for the purpose of electing councillors to replace an equal number of councillors retiring from office on account of the expiry of their period of office and also for the purpose of filling up such casual vacancies as may be required to be filled up under the provisions of section *one hundred and twenty-nine*; provided that in the case of village councils constituted under sub-section (2) of section *one hundred and sixteen* the Administrator may, by proclamation in the *Provincial Gazette*, declare that the election of councillors subsequent to the first election shall not take place until the month of October of the year subsequent to the year in which such first election is held.

Duration of
councillors'
term of
office.

135. (1) The councillors elected at every annual election to fill the vacancies caused by councillors retiring owing to the expiry of their period of office shall hold office for a period of three years, and a councillor elected to fill a casual vacancy requiring to be filled up under section *one hundred and twenty-nine*, whether or not such election shall take place at the annual election, shall hold office for the remainder of the period for which the councillor who has vacated office and whom he succeeds would have otherwise continued in office.

(2) In any annual election at which councillors are to be elected to fill casual vacancies, the vacancies caused by the retirement of councillors due to the expiry of their periods of office shall be deemed to be filled by the candidates who receive the largest number of votes at the election. The other elected candidates shall be deemed to fill casual vacancies in the order and according to the number of votes recorded for each, so that the councillor elected by the greatest number of votes shall be deemed to succeed the councillor, who if he had not vacated office, would have continued longest in office. In case the matter cannot be determined as aforesaid owing to the equality in the votes recorded for two or more candidates or owing to there being no poll, it shall be determined by lot by the presiding officer.

Election of
chairman.

136. At the first meeting of the council held after every annual election of councillors, or at the first meeting of the council of any newly constituted municipality and thereafter at the first meeting of the council thereof after every annual election of councillors, the councillors shall, by ballot, if there be more than one nomination, elect one councillor to be chairman, and if there be one nomination then the councillor so nominated shall be declared duly elected as chairman. Such chairman shall

forthwith enter upon his office and continue therein until his successor be appointed after the next ensuing annual election of councillors, unless his office be sooner vacated, and in case of such vacancy then a successor shall at the next meeting of the council be chosen by the councillors amongst themselves, who shall forthwith enter upon his office and serve as chairman for the remainder of the period for which the vacating chairman was elected; provided always that should a chairman for any reason not be elected at a meeting as herein prescribed, he may be elected at the first ordinary meeting of the council held thereafter or at a special meeting called for the purpose.

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137. On the election of a chairman under the provisions of the last preceding section, should the number of votes duly cast be found to be equal for any two or more candidates the election shall be determined by lot.

Circumstances in which election determined by lot.

138. (1) A deputy-chairman of the council shall be elected from time to time, subject *mutatis mutandis* to the provisions of the last two preceding sections, and such deputy-chairman shall whenever it shall be necessary owing to the death, resignation, absence, illness, or incapacity of the chairman do all acts which the chairman as such may do. The fact of the death, resignation, absence, illness, or incapacity of the chairman shall be notified by the town clerk to the first meeting of the council held after such death, resignation, absence, illness, or incapacity has happened or commenced, and be recorded in the council's minutes. Such record shall be sufficient authority for all acts done by the deputy-chairman which the chairman as such may do, from the date of the death or resignation, or the commencement of the absence, illness, or incapacity of the chairman until a new chairman shall be appointed or the chairman shall resume his duties.

Deputy-chairman of council.

(2) At every meeting of the council of such a municipality the chairman if present shall preside and in the event of his absence the deputy-chairman and if neither the chairman nor deputy-chairman be present at any meeting, then the councillors present shall elect a temporary chairman from among themselves, who shall in the absence of the chairman and deputy-chairman preside at such meeting, and if it shall appear to the council at such meeting that the chairman and deputy-chairman are both absent from the municipality, or are for any other reason incapable of acting, the council may by

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resolution confer on the temporary chairman elected as aforesaid, full authority to do all acts which the chairman as such may do, until either the chairman or deputy-chairman is again able to act.

PART II.—POWERS AND DUTIES OF VILLAGE COUNCILS

General and
special
powers.

139. (1) The provisions of Chapters III, IV, V, VI, and VII of this Ordinance shall be and are hereby applied to the village council of any municipality constituted under section *one hundred and sixteen*, provided that a village council shall not necessarily appoint a medical officer of health unless so required by the Minister under section *twelve* (1) of the Public Health Act 1919; provided further that where no medical officer of health is appointed the Secretary for Public Health of the Union may inspect personally or by a deputy appointed by him in writing to see that the public health by-laws or regulations or any regulations made by the Administrator under section *one hundred and forty-one* hereof or made under the Public Health Act, 1919, or any amendment thereof are carried out.

(2) The Administrator may by proclamation in the *Provincial Gazette* and subject to the conditions set forth in the next succeeding section, assign to any village council any or all of the powers and duties conferred on town councils by, and make applicable to such village council any of the provisions of Part I of Chapter X of this Ordinance with the exception of the provisions of section *one hundred and fifty-five*.

How special
powers to be
granted.

140. A village council, desirous of exercising any or all of the powers mentioned in, or of applying any provision of Part I of Chapter X other than the provisions of section *one hundred and fifty-five* of this Ordinance, shall present a petition to the Administrator, signed by not less than two-thirds of the councillors praying for leave to exercise such powers or to apply such provision.

On receipt of such petition the Administrator shall forthwith cause the substance of the same to be published in three consecutive issues of the *Provincial Gazette* and once a week for three weeks in a newspaper (if any) circulating within the municipality.

It shall be competent for any persons interested, within thirty days after the first publication in the *Provincial Gazette* of the substance of such petition, to lodge written objection with the Administrator to the same being granted.

On receipt of such objection the Administrator may appoint the magistrate or one or more other persons to consider the petition and any objection thereto, and after hearing the report of the persons so appointed to inquire, or if there be no such objection after due inquiry, the Administrator may, in his discretion, grant wholly or in part or may refuse to grant such petition.

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141. The Administrator may, from time to time, make, alter, and rescind regulations applicable to any municipality for which a village council is constituted on any matter upon which such council is empowered under section *one hundred and thirty-nine* to make by-laws, but upon which matter the said council has failed to make by-laws, or having made by-laws, to obtain the approval of the Administrator thereto.

Adminis-
trator may
make
regulations
for village
councils.

142. In Chapters III, IV, V and VII applied under section *one hundred and thirty-nine* the term "mayor" shall be read as "chairman," and the term "deputy-mayor" shall be read as "deputy-chairman."

Term
"mayor"
to be read as
"chairman"
and
"deputy-
mayor" as
"deputy-
chairman."

143. (1) Save as is provided under sub-section (3) hereof, the following laws shall not apply to village councils:—

Application
and non-
application
of certain
other laws
to village
councils.

(a) The Municipal Elections Ordinance 1912 or any amendment thereof;

(b) The Municipalities Powers of Expropriation Ordinance 1903 or any amendment thereof (hereinafter in this paragraph referred to as the Expropriation Ordinance), except that the provisions of sections *nine* to *twelve* inclusive of such Ordinance shall apply in the case of any arbitration proceedings in connexion with any works which may be undertaken by a village council under sections *eighty-one* and *eighty-four* of this Ordinance, provided that the Administrator may, upon the application of any village council, apply to such village council the Expropriation Ordinance for any specific purpose laid down in such Ordinance;

(c) The Local Authorities Roads Ordinance 1904 or any amendment thereof.

(2) The provisions of the Town Lands Ordinance 1904 and any amendment thereof shall apply *mutatis mutandis* to all village councils constituted under this Ordinance.

(3) Elections of councillors for the municipality of Innesdale shall be governed by and carried out in

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accordance with the provisions of the Municipal Elections Ordinance 1912 and any amendment thereof as if the council of the said municipality were a town council.

Erf tax
may be
substituted
for assess-
ment rate.

144. The provisions of the Local Authorities Rating Ordinance 1912 and any amendment thereof shall apply to every municipality for which a village council is constituted under this Ordinance; provided that the Administrator may by proclamation in the *Provincial Gazette* declare that for any period of not less than one calendar year, the provisions of the said Ordinance or any amendment thereof shall not apply in any such municipality, 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.

Special
provisions
where erf
tax is
levied.

145. (1) Whenever under the last preceding section the erf tax is leviable in a municipality such tax shall be paid to the council and shall be recoverable as if the same were rates imposed under the Local Authorities Rating Ordinance 1912, or any amendment thereof and the provisions of such Ordinance and any amendment thereof shall apply for the purposes of such recovery.

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

CHAPTER IX.

HEALTH COMMITTEES.

Constitution
of health
committees.

146. (1) The Administrator may from time to time, by proclamation in the *Provincial Gazette*, constitute in such manner as he shall think fit for any town, village, or other area a committee to be called a health committee, and such committee shall, subject to the provisions of this Ordinance, be charged with the maintenance of the health of the inhabitants for the area for which it is appointed and with such other duties as are hereinafter prescribed.

(2) The Administrator may increase, alter, or diminish the area of jurisdiction of such committee, and may at any time on due cause being shown abolish and disestablish such committee, and, for the purpose of effecting the abolition or disestablishment, the Administrator may make such order in writing under his hand as may be necessary, and such order shall have the force of law and be binding on all parties in any manner concerned.

(3) The Administrator may from time to time by proclamation in the *Provincial Gazette* declare that any health committee constituted hereunder shall be a body corporate with perpetual succession and shall 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) Upon the promulgation of a proclamation under the preceding sub-section establishing any health committee as a body corporate such committee shall for the purposes of the Townships Act be deemed to be a municipal council, and—

(i) it shall be lawful for the Governor-General to transfer to such committee :—

(a) town lands subject to the provisions of the Town Lands Ordinance 1904 ;

(b) any lands or lots mentioned in paragraphs (b) and (c) of sub-section (1) of section *eight* of the Townships Act ;

(c) any other land registered in the name of the Government ;

(ii) in the case of any township approved under the Townships Act there shall vest in such committee the *dominium* in the streets, squares and open spaces shown on the general plan of such township ;

(iii) section *thirty-five*, sections *sixty-two* to *sixty-seven* (inclusive), sub-sections (18), (19), (20), (21), (22), (23), (24), and (25) of section *seventy-nine* and sub-section (1) of section *one hundred and forty-three* of this Ordinance shall be and are hereby applied to such committee as if it were a council of a municipality and the area for which it was constituted were a municipality.

147. The committees constituted under the provisions of Ordinance No. 9 of 1912 and mentioned in the Sixth Schedule to this Ordinance shall from the commencement of this Ordinance be constituted health committees under this Ordinance for the areas of jurisdiction defined and existing at such commencement.

Recon-
struction of
existing
health
committees.

The members of every such committee shall remain in office under the provisions of the proclamation constituting it and providing for the appointment or election of its members, until the Administrator shall by proclamation in the *Provincial Gazette*

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prescribe that the members of any such committee shall be otherwise elected or appointed, or that any such committee shall be otherwise constituted under this Ordinance.

Certain provisions of this Ordinance may be made applicable to health committees.

148. The Administrator may, by proclamation in the *Provincial Gazette*, declare that the mode of election of a health committee and the qualifications as voters for the election of its members shall be as provided by this Ordinance for the election of village councils and the qualifications as voters for elections of village councils, or the Administrator may in his discretion prescribe any other mode of election and qualification of voters.

Regulations.

149. (1) The Administrator may from time to time make, alter, and rescind regulations for any health committee and for the area for which such committee is constituted in respect of the following matters, namely—

(a) for applying to the committee's area of jurisdiction *mutatis mutandis* the provisions of sections *eighty-one*, *eighty-two* and Part I of Chapter VII of this Ordinance for conferring upon the committee any or all of the powers mentioned in sub-sections (1), (2), (3), (4), (5), (7), (14), (15), (16), (17), (26), (27), (32), (36), and (40) of section *seventy-nine* and for all or any of the purposes mentioned in section *eighty* of this Ordinance ;

(b) for imposing upon the members of the committee any or all of the duties, obligations and liabilities imposed under this Ordinance upon the councillors of a municipality ;

(c) for regulating the appointment, duties and privileges of the committee's officers and servants ;

(d) for regulating the finances of the committee and for requiring payment by the committee—

(i) of all expenses incurred in connexion with the nominations and elections of members of the committee, and

(ii) of the cost of publishing in the *Provincial Gazette* any regulations made under this section or under any other law at such rate as may be prescribed by the Administrator not exceeding half the cost of such publication, provided that no claim for such payment may be made in respect of any regulations published before the promulgation of a regulation hereunder ;

(e) for authorizing the committee with the consent of the Administrator to purchase voluntarily any land, way-leave, water-right, or any other property or servitude within or without its area of jurisdiction which may be necessary for its purposes, provided that except in the case of a committee declared under subsection (3) of section *one hundred and forty-six* to be a corporate body any property or servitude purchased hereunder shall be registered in the name of the Government of the Union of South Africa.

(2) The provisions of sections *thirty-six, forty, forty-nine, fifty-five, fifty-six, fifty-eight, fifty-nine, sixty, sixty-eight, seventy, seventy-one, seventy-two, and seventy-three* of this Ordinance shall apply *mutatis mutandis* to every health committee constituted under this Ordinance as if such committee were a council of a municipality and the area for which it was constituted were a municipality.

(3) The provisions of sections *one hundred and six to one hundred and fourteen* hereof inclusive shall *mutatis mutandis* apply to the regulations aforesaid as if such regulations were by-laws, such committees were councils of municipalities, and the areas for which they were appointed were municipalities.

(4) (a) Copies of the *Provincial Gazeite* containing regulations and amendments thereof made hereunder shall be open to inspection at the offices of the committee at all reasonable hours.

(b) It shall be the duty of the secretary or clerk to the committee upon application and upon payment of such sum as may be determined by the committee (not exceeding threepence for every hundred words contained in such regulation or ten shillings in all) to furnish any person with a copy of every such regulation or amendment.

150. In any legal proceeding which may be instituted by or against such committee it shall be sufficient to describe such committee as the ".....Health Committee" without mentioning the names of any of the members comprising such committees.

How health committee to sue and be sued.

151. The revenues of the health committee shall consist of—

Revenues of health committee.

(a) all fees, duties, taxes and charges under the regulations made by the Administrator ;

(b) all fines imposed by a competent court and forfeited bail bonds for the contravention of such regulations, or the regulations for

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towns confirmed by First Volksraad Resolution Article 1256, dated 18th September, 1899, or of the provisions of this Ordinance ;

(c) all rates levied by the committee under the provisions of the Local Authorities Rating Ordinance 1912 and any amendment thereof;

(d) all other fees, moneys or charges recoverable by the committee or to which the committee is entitled under this Ordinance or under any other law.

Borrowing
powers.

152. A health committee may—

(1) obtain advances from any bank by way of overdraft in such amounts and on such conditions as the Administrator may approve ;

(2) from time to time raise loans in such amounts and on such conditions as may be approved by the Administrator. The security for any loan raised by a health committee under this section shall be the security mentioned in section *fifty-one* for loans raised by municipal councils, and for the purposes of recovering any such loan or instalments thereof or interest thereon, the provisions of such section shall *mutatis mutandis* apply.

Town or
village
councils may
perform
services or
works for
health
committees.

153. (1) A health committee may, with the consent of the Administrator, enter into an agreement with any neighbouring town or village council for the performance by such council of any service or works within the area of jurisdiction and for the use and benefit of the inhabitants of the area or portion of the area under the jurisdiction of the health committee, which the said council is, or may be empowered under and subject to the provisions of this Ordinance to undertake within the area of its own jurisdiction.

(2) Notwithstanding anything in this Ordinance or in any other law contained, any such council may, subject to the consent of the Administrator being obtained as aforesaid, enter into such agreement with any neighbouring health committee.

(3) Where any agreement made and approved as aforesaid involves any special tax or rate being imposed on owners of property within the area of jurisdiction of a health committee or portion thereof the Administrator may, by proclamation in the *Provincial Gazette*, declare that for the purpose of imposing and collecting such tax or rate the said area shall, for such purposes only, be deemed to be under the jurisdiction of such council, and that all the provisions of this Ordinance and of the Local

Authorities Rating Ordinance 1912 and any amendment thereof which are, or may become, applicable within the municipality shall, for such purposes, be applicable within the said area of jurisdiction of a health committee or portion thereof; provided that the Administrator shall not exercise the powers of this section except under the following conditions:—

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(a) The said committee shall have served upon every such owner a written notice containing full particulars of the proposed agreement, the nature of the service which it is proposed to give to him, and the approximate amount of the rates, taxes, or charges and the period over which they will be levied by such council if effect be given to the said agreement;

(b) not less than two-thirds of such owners within eight weeks of the date of the serving of such notice shall have collectively petitioned the Administrator to exercise such powers.

(4) Any owner upon whom such notice has been served, may lodge with the Administrator written objection to the exercise by the Administrator of such powers, and the Administrator shall thereupon take such steps as may to him seem necessary to investigate any such objection.

(5) After due inquiry into any objection made under the provision of the last preceding sub-section the Administrator may exercise the powers of this section, and may make such modifications in the application to any particular area of the proposed agreement as he may think fit, or may refuse to exercise such powers; provided that the Administrator shall not exercise such powers unless the consent of two-thirds of such owners has been obtained to the proposed agreement in the manner herein provided.

CHAPTER X.

SPECIAL POWERS OF TOWN COUNCILS.

PART I.—CERTAIN SPECIAL PROVISIONS.

154. Save as is otherwise provided in sub-section (3) of section *one hundred and fifty-five* the provisions of this chapter and any amendments thereof shall be and are hereby assigned to every town council constituted or hereafter constituted under this Ordinance.

Application
of Chapter.

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Additional
auditors
may be
appointed
by council.

155. (1) In addition to the auditor or auditors appointed by the Administrator, the council after a resolution thereto duly passed agreeing to appoint an auditor may appoint an auditor or auditors subject to compliance with the following provisions :—

(a) Before any appointment is made or renewed hereunder the resolution aforementioned shall be published at least once a week for three successive weeks in the *Provincial Gazette* and in one or more newspapers circulating in the municipality ;

(b) any councillor may, prior to a date to be fixed by the council, nominate one or more duly qualified persons to act as auditor or auditors of the accounts of the municipality ;

(c) every nomination shall be referred to a committee consisting of not less than five councillors, and the council 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 council 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.

(2) The auditor or auditors appointed as in this section is provided shall have all the powers conferred by section *fifty-nine* upon the auditor or auditors appointed by the Administrator and shall, in addition to the ordinary duties of auditors, certify not less than once in each year whether or not—

(a) the accounts of the municipality are in order ;

(b) separate accounts of all trading undertakings have been kept ;

(c) the accounts issued present a true and correct view of the financial position of the municipality, and of its transactions, and of the results of trading (if any) ;

(d) due provision has been made for the redemption and repayment of any moneys borrowed by the council, whether in the form of municipal stock, bills or otherwise ;

- (e) the value of the assets of the municipality has been fairly stated;
- (f) the amounts set aside for depreciation and obsolescence of plant are adequate;
- (g) all his or their requirements and recommendations as auditors have been complied with and carried out.

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(3) With the exception of the councils of the municipalities of Germiston, Johannesburg and Pretoria no council shall exercise the power conferred by or apply to the municipality the provisions of this section until a petition signed by not less than two-thirds of the councillors has been presented to the Administrator praying for leave to exercise the power or to apply the provisions and until the Administrator has by proclamation in the *Provincial Gazette* assigned such power and made the said provisions applicable to such council.

156. The council may do any of the following things, namely—

Other special powers for town councils.

- (1) establish, erect, construct, equip, and maintain, either within or outside the municipality, hospitals, whether permanent or temporary, for the reception of patients suffering from infectious diseases, make charges for treatment in such hospitals, and provide treatment for indigent patients who are inhabitants of such municipality free of charge;
- (2) establish, maintain, carry on, an art gallery, and acquire works of art for preservation therein;
- (3) establish and maintain public monuments or make grants of money towards the establishment or maintenance thereof;
- (4) (a) establish, acquire, erect, construct, equip and carry on cold storage works, depots for the inspection of milk and dead meat and milk-testing stations and make charges in connexion therewith;
- (b) make and sell ice;
- (5) establish, acquire, construct, maintain, and carry on within the municipality a service of motor omnibuses or other vehicles drawn or propelled by animal, mechanical or electrical power for the carriage of passengers and parcels, and make charges for or in connexion with such service and in connexion with any such service enter into agreements with any person or corporation for the establishment, acquisition, construction, laying down, equipment, maintenance, working, and guaranteeing of the

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capital cost and interest on the capital cost of such establishment, etc., and may exercise such powers either alone or in conjunction with another or other municipalities, persons, corporations or authorities; provided that this sub-section shall not apply to tramways; and provided further that any council may exercise the powers by this sub-section conferred in any area beyond the municipality with the consent of the local authority, if any, of such area or if there be no local authority in such area, then with the consent of the Administrator;

(6) take a census of the inhabitants of the municipality and contribute to the cost of any such census when taken by any other authority;

(7) enter into any contract or contracts with any town council, village council, health committee, or with any corporation, or company, person or persons, to secure or further the carrying out outside the municipality of any work or undertaking which may be within the powers of the council;

(8) establish, acquire, erect, construct, equip, maintain, and carry on laundries and make charges in connexion therewith;

(9) establish, erect, construct, equip, maintain and carry on steam disinfecting stations;

(10) (a) at the request of the owner of any land or premises situated within the limits of the municipality, construct and pave with concrete blocks or flat hewn or other stones or in such other manner or form and of such breadth as the council may think fit, either by its own servants or through contractors, a footway along the side of any street abutting upon the land or premises of any such owner, and recover from such owner the expenses incurred in such work, including a reasonable charge for supervision, and if the work is undertaken by the council without the interposition of a contractor, recover charges for the use of tools and plant;

(b) advance to the owner of any land or premises the amount of any expenses incurred or to be incurred by him in the construction or paving of any such footway on or in respect of such land or premises;

(c) the provisions of sub-sections (2) to (5) of section *one hundred and sixty-seven* of this Ordinance shall apply to any footways constructed by the council or by the owner of any land or premises under this sub-section;

(11) advertise and give publicity to the attractions and advantages of the municipality and district ;

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(12) divert, straighten, define, and canalize the course of any stream, spruit or water-course within the municipality after giving notice and making compensation to any owner or occupier of land or any rights or servitudes attaching to land abutting on such course as existing and as proposed in manner provided by Part II of the Municipalities Powers of Expropriation Ordinance 1903 ; provided that in settling any compensation payable by the council hereunder, the enhanced or improved value immediate or prospective which shall accrue to any such land by reason of the carrying out of the said purposes or any of them shall be taken into account ;

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(13) establish, erect, construct, maintain and carry on or assist institutions or clinics for the care and welfare of newly-born infants and make provision for suitable instruction being imparted to expectant mothers and mothers of such infants and make charges in connexion therewith :

(14) (a) establish, maintain, assist, promote and carry on and if deemed desirable or necessary contribute to a fund or funds for the purpose of indemnifying owners of carcasses or of portions of carcasses condemned at the municipal abattoir for such diseases as may be specified by the council ; provided that the council shall have power to reject or refuse to insure animals brought from any area or farm known to be infected or brought or sent in by any person known to deal in infected or diseased animals ;

(b) require for the purpose of this sub-section the owners of animals brought to the municipal abattoir to contribute to such fund or funds according to the scale of contributions from time to time in force and which scale of contributions the council is hereby authorized to make, alter, vary and revoke from time to time as it may determine ; and

(c) take all such steps as it may deem necessary or desirable for the purpose of giving full and complete effect to the provisions of this sub-section including the power to make, alter, vary and revoke rules or regulations in respect of the control of such fund or funds.

(15) establish, erect, construct, maintain, and carry on aerodromes ;

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special
by-law
powers for
town
councils.

(16) establish, erect, construct, maintain, and carry on wireless broadcasting stations and enter into contracts for the hire of apparatus and for listening-in.

157. The council may, from time to time, make, alter, and revoke by-laws for all or any of the following purposes, namely—

(1) for maintaining and regulating any service of motor omnibuses or other vehicles, drawn or propelled by animal, mechanical, or electrical power, which may be established by the council ;

(2) for regulating the manufacture of chemicals ;

(3) for regulating barbers and hairdressers and barbers' and hairdressers' shops ;

(4) for granting licences (but without charging any fee therefor) to private hospitals and nursing homes and for regulating such hospitals and nursing homes ;

(5) for regulating and supervising the practice of midwives and for prohibiting the practice of midwifery by persons other than registered midwives ; provided that any person who satisfies the council that at the date when a by-law was made under this sub-section prohibiting the practice of midwifery by persons other than registered midwives first came into operation within the municipality she had been for at least two years in bona fide practice as a midwife and that she bears a good character shall be entitled to continue to practise in the municipality ;

(6) for regulating and controlling the use of public baths, wash-houses and laundries established by the council and for confining or restricting the separate use of such establishments to white persons or to natives or Asiatics or other classes of persons respectively ;

(7) for regulating the taking by the council of any census of the inhabitants of the municipality, defining the duties of census officers appointed by the council, compelling the giving of information required for the purpose of such census, and prohibiting the divulging of such information ;

(8) for granting to plumbers and drain-layers licences (but without charging any fee therefor) authorizing them to carry out—

(a) plumbing or drain-laying work for the installation, alteration or repair of any

system of drainage connected or intended to be connected with any municipal sewer, and/or

(b) drain-laying or drainage work (other than storm-water drainage) for draining soiled or waste water ;

for regulating such plumbers and drain-layers, and prohibiting the carrying out of any such work by any unlicensed person ; provided that—

(c) the council may refuse to grant a licence to any person to carry out any such plumbing or drain-laying work on the following ground in addition to the grounds mentioned in section *ninety-one*, namely, that the applicant is not competent to carry out plumbing or drain-laying work in a proper and workmanlike manner ; provided that the refusal of the council to grant a licence on the ground herein stated shall be subject to the same appeal as is provided in the said section ;

(d) the council may further cancel any such licence granted to any plumber or drain-layer if it is satisfied that he has done any such plumbing or drain-laying work in a negligent or unworkmanlike manner to the injury of any person or property or contrary to any of the council's by-laws ; provided that prior to such cancellation the person whose licence it is proposed to cancel shall be afforded an opportunity of appearing before a committee of the council and being heard in his own defence ;

(9) for granting to electricians licences (but without charging any fee therefor) authorizing them to carry out electrical wiring work for the installation, alteration, or repair of any system of wiring connected or intended to be connected with any municipal works for the supply or distribution of power, for regulating such electricians and for prohibiting the carrying out of any such work by any unlicensed person ; provided that the provisions of paragraphs (a) and (b) of sub-section (8) shall apply *mutatis mutandis* in respect of such licences ;

(10) subject to the provisions of Act No. 22 of 1925 for licensing, controlling, inspecting, supervising and regulating places used for the purpose of selling publicly, or exposing to public sale any cattle, horses, sheep, goats, pigs, poultry, or other live stock ; for licensing persons to conduct

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such sales on municipal markets or at places other than municipal markets and for requiring the deposit of security by an applicant for such licence ;

(11) for compelling and regulating the submission to the council of all meat or dead animals intended for the food of man which may be conveyed or transported into the municipal area by the owners or consignees of the same, and at their expense, in order that such meat or dead animals may be inspected or passed by the council, for regulating the branding or stamping of such meat or dead animals and the fees to be charged therefor, and for preventing the sale or use of such meat or dead animals for the food of man until the same have been inspected and passed by the council;

(12) for prohibiting the introduction into the municipality of any carcass other than game or of any butcher's meat slaughtered outside the municipality, except when accompanied by such undetached viscera and in the case of pigs the head also as the council may specify, or by a medical or veterinary certificate that such carcass or meat and the viscera belonging thereto have been duly inspected at the time of slaughter and found free from disease ; for prohibiting the introduction into the municipality of any unfrozen carcass (other than game) or unfrozen butcher's meat of animals slaughtered outside the municipality unless such animals were slaughtered at places approved by the council or a committee thereof ; for specifying the conditions on which such approval may be granted or withdrawn and for limiting its duration ; provided that this and the preceding sub-section shall not apply to meat or dead animals which may be conveyed or transported into the municipality by any person or the servant of any person for consumption by such person or his household ;

(13) (a) for regulating the construction by any owner of land at his expense of a footway along the side of any street abutting on his land, and the paving of such footway with concrete blocks or flat hewn or other stones, or in any other way, and for regulating the construction and paving by the council at such owner's expense of such footway ;

(b) for fixing the charges which may be made for the construction and paving by the council of any such footway ; any charges so

fixed shall for all purposes be deemed to be charges for services by the council and shall be recoverable as such ;

(14) for providing listening-in apparatus and for prescribing the fees and charges payable in respect thereof and the conditions under which such apparatus will be used.

No such by-law shall be inconsistent with, contrary or repugnant to the provisions of this Ordinance or any other law in force within the municipality.

PART II.—SEWERAGE AND DRAINAGE WORKS.

158. The council may erect, construct, equip, and carry out sewerage or drainage works within or outside the municipality ; provided that the council shall not commence to erect or construct sewerage works without the consent of the Administrator.

Power to undertake sewerage and drainage.

159. For the purpose of carrying out any drainage or sewerage works the council may—

Provisions as to carrying out sewerage and drainage works.

(a) cause such sewers, drains, and pipes to be made, laid, altered, deepened, covered over, and maintained either within, or (subject to the provisions of sections *one hundred and sixty-two*, *one hundred and sixty-three*, and *one hundred and sixty-four*) outside the municipality as may be necessary for effectually disposing of the sewage of or draining the municipality or any portion thereof, and from time to time cause to be made and maintained all such reservoirs, sluices, engines, ventilating shafts, and other works as may be necessary for cleansing and ventilating such sewers, drains, and pipes ;

(b) carry such sewers, drains or pipes through across, or under any public road, street, square, or open space, or any place laid out as or intended for a public road, street, square, or open place either within or outside the municipality, without paying compensation and, after giving reasonable notice in writing to the owner or occupier of their intention, perform the same acts in respect of any land within, or (subject to the provisions of the said sections) outside the municipality on making compensation for any damage done, the amount whereof, if not mutually agreed upon, being determined by arbitration in manner provided by the Municipalities Powers of Expropriation Ordinance 1903 or any amendment thereof, provided that, in determining any compensation payable by the council hereunder the existence of any sanitary passage through or over which the council has a right of access to

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any private land or building for the purpose of sanitary service and which right the council may be willing to surrender, shall be taken into account ;

(c) from time to time alter, enlarge, divert, discontinue, close up, or destroy any sewers, drains, or pipes under the control of the council ;

(d) within, or (subject to the provisions of the said sections) outside the municipality construct any works for the purpose of receiving, storing, disinfecting, purifying, distributing, or otherwise disposing of any sewage or drainage ;

(e) in any case, where owing to the contour of the ground or for other reasons, it is difficult to connect for sewerage purposes any premises within the municipality direct with a public sewer maintained by the council, the council may subject to the provisions of sub-section (b) of this section make connexions with and utilize any private drain on private ground so as to connect such premises with any public sewer ; provided that upon such connexion being made the said drain with which connexion is so made shall, from the point of such connexion to the point of junction with the public sewer, be considered and used as a combined or joint drain, and the cost of construction, repair and maintenance of such combined or joint drain shall, so far as the same shall not fall to be borne by the council, be paid and borne by the owners of premises respectively served thereby, in such proportions as the council shall from time to time adjust and settle.

Vesting of
sewers in
council and
right of
access
thereto.

160. All sewers, drains, pipes, ventilating shafts, or other conveniences for the disposal of sewage or drainage, constructed by or which are under the control of the council shall be vested in the council, and the council, or any other persons duly authorized by it, shall at all times have a right of access to private property for purposes of inspection, maintenance, alteration, or repair of such sewers, pipes, shafts, and other conveniences, and may do all things necessary to uncover and expose such sewers, drains, pipes, ventilating shafts, or other conveniences for the purpose of such inspection, maintenance, alteration and repair, provided that the council shall repair all damage caused by such entry and inspection.

Sewage
farms.

161. The council may maintain and carry on any sewage farm or sewage disposal works established at the commencement of this Ordinance, the establishment of which has been allowed by an order made

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under section *thirty* of the Municipalities Powers of Expropriation Ordinance 1903, and may establish subject to the consent of the Administrator and maintain and carry on any such sewage farms or sewage disposal works either within or subject to the provisions of sections *one hundred and sixty-two*, *one hundred and sixty-three* and *one hundred and sixty-four*, outside the municipality, as may be necessary or advisable for the requirements of the municipality and may either lease any lands used as a sewage farm to tenants or may farm the same and dispose of the produce thereof, and neither the council nor any other person shall be liable for any nuisance or damage which is the inevitable consequence of the proper and ordinary conduct of any sewage farm or sewage disposal works established, maintained, or carried on under the provisions of this section.

162. The council shall, at least thirty days before commencing outside the municipality the construction or extension of any sewer or any other work for sewerage purposes, give notice of the intended work by advertisement in one or more local newspapers circulating in the area in which the work is to be done or if there be no such newspaper, then in one or more newspapers circulating in the municipality. Such notice shall describe the nature of the intended work, and shall state the intended terminuses thereof, and particulars of the roads, streets, squares, open spaces, and other land (if any) through, across, under, or on which the work is to be done, and shall name a place where a plan of the intended work is open for inspection at all reasonable hours; a copy of such notice shall be served on the owners or reputed owners, lessees or reputed lessees and occupiers of the land and on the local authority (if any) having the care of such roads, streets, squares, or open spaces.

Notice before commencing any sewerage works outside municipal limits.

163. If any such owner, lessee, or occupier, or any such local authority, or any other person who would be affected by the intended work, objects to such work and serves written notice of objection on the Administrator and on the town clerk at any time within the said period of thirty days, then the intended work shall not be commenced without the consent of the Administrator, unless such objection is withdrawn.

Notice of objection by owner.

164. The Administrator may appoint any person or persons to make an inquiry on the spot into the propriety of the intended work and the objections thereto, and to report to him on the matter, and on

Inquiry by Administrator and action thereon.

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receiving the report of such person or persons, the Administrator may make an order, disallowing the intended work or allowing it with such modifications (if any) as he may deem necessary.

Offences
and
penalties.

165. Any person who without the previous consent in writing of the council shall—

(a) erect or cause to be erected any building or other structure over any sewer, drain, or pipe vested in or constructed under the authority of the council; or

(b) excavate, open up, or remove, or cause to be excavated, opened up, or removed the ground under or near to any such sewer, drain or pipe; or

(c) make or cause to be made, without the written consent of the council, any opening into such sewer, drain, or pipe, for the purpose of discharging sewage or drainage into the same or otherwise; or

(d) injure or destroy or cause to be injured or destroyed any such sewers, drains, or pipes or any works or things in connection therewith,

shall be guilty of an offence and liable to a fine not exceeding fifty pounds, and the council may alter, demolish, or otherwise deal with as it may think fit any building or structure so erected, fill in, and make good any such damage, or close any such opening into a sewer, drain, or pipe, and the expenses so incurred shall along with such fine be recoverable from the offender in any competent court.

Charges for
use of sewers.

166. Any charges which the council may fix by by-law for the use of the council's drains or sewers and sewerage works in respect of any land or premises which are connected therewith, shall for all purposes be deemed to be charges for sanitary services, and shall be recoverable from the owner of any land or premises which are so connected in accordance with the provisions of sections *forty-eight* and *forty-nine*.

Power to
execute
drainage
works on
private land
or premises
or to make
advances
therefor.

167. (1) The council may in its discretion—

(a) carry out either by its own servants, or through contractors, any work in connection with the installation or improvement of a drainage or sewerage system on any land or premises, and the connection of such land or premises with the council's drains or sewers, and recover from the owner of such land or premises the expenses incurred in such work, including a reasonable

charge for supervision and, if the work is undertaken by the council without the interposition of a contractor, may cover charges for the use of tools and plant; or

(b) advance to the owner of any land or premises the amount of any expenses incurred or to be incurred by him in the execution of any such drainage or sewerage work on such land or premises.

(2) The council may agree to accept payment of such expenses and repayment of such advances in such instalments, at such times and on such conditions as may to the council appear reasonable, together with interest thereon at the rate of six per centum per annum (which shall be charged from the date when the works are completed or the advances are made), on such amount as remains for the time being outstanding; provided that, where the council shall advance any amounts from moneys, borrowed at a rate of interest equal to or more than six per centum per annum, the council may fix the interest payable by the owner at a rate equal to the rate of interest paid by the council for the moneys so borrowed by it plus an additional rate of interest of one per centum per annum. The amount of interest payable in terms hereof shall be fixed by the council in an agreement with the owner, and shall not be subject to any alteration during the currency of the said agreement, notwithstanding any subsequent variation in the rate of interest that may be charged against the council for moneys borrowed by it.

(3) Such expenses and advances together with interest thereon shall be a charge upon the land or premises in respect of which the same are incurred or made, and shall be paid to the council by the owner thereof for the time being and the instalments thereof as they fall due shall be recoverable from the present or any future owner of the land or premises in any competent court.

(4) The council shall keep at the municipal offices a register of all expenses incurred and advances made under this section, and shall show in such register the total amounts thereof, the instalments in which the same are payable, the land or premises in respect of which the same have been incurred or made, and the balances for the time being outstanding and shall keep such register open at all reasonable times to the inspection of any person, free of charge; such register and any extract therefrom certified by the town clerk or other person authorized by the council shall in any proceedings for the recovery of

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such expenses, advances, or interest thereon or any instalments thereof, be prima facie evidence of the matters contained therein.

(5) Nothing in this section shall limit or affect the power of the council to execute any work which the council is, by law or under any by-law in force in the municipality, empowered to execute or to recover the cost of executing such work from any person who is liable therefor.

By-laws for
sewerage
and
drainage.

168. The council may, from time to time, make, alter, and revoke by-laws for all or any of the following purposes, namely :—

(a) For regulating sewerage or drainage and for compelling the construction and connexion at the owner's expense of private drains with public drains, sewers, or pipes, and for regulating the construction by the council at the owner's expense of all house drains, in so far as they connect with and extend from the main sewer to the boundary of the property concerned ;

(b) for regulating the giving of notice and the deposit of plans and sections by persons intending to carry out any sewerage or drainage work on any land or premises and the approval or disapproval thereof by the council and the removal or alteration of any sewerage or drainage work begun or done in contravention of any by-law and for the charging of fees for the examination of such plans ;

(c) for fixing the charges which may be made for the use of the council's drains sewers and sewerage works in respect of any premises which are connected therewith ;

(d) generally for carrying out the powers and authorities conferred upon the council by the last preceding section.

No such by-law shall be inconsistent with, contrary, or repugnant to the provisions of this Ordinance or of any other law in force within the municipality.

PART III.—OTHER WORKS.

Tramways.

Power to
undertake
tramways

169. The council may—

(a) establish, acquire, construct, lay down, equip, maintain, and work tramways with or without rails within the municipality or beyond

its limits, and make charges in connexion therewith, and in connexion with any tramways beyond the limits of the municipality may enter into agreement with any person or corporation for the establishment, acquisition, construction, laying down, equipment, maintenance, working and guaranteeing of the capital cost, and interest on the capital cost of such establishment, etc., and may exercise such powers either alone or in conjunction with another or other municipalities, persons, corporations, or authorities ; (b) establish and maintain, in connection with any tramways worked by the council, a service for the carriage and delivery of parcels within the municipality, and make charges for such service under such by-laws and conditions as may be approved by the Administrator ; provided that before commencing to establish, acquire, or construct tramways the council shall obtain the consent of the Administrator.

170. The capital cost of construction as hereinafter defined, and any loss that may be incurred in working any line of tramway outside an area, which the Administrator may declare and define by proclamation in the *Provincial Gazette* to be an inner tramway area, shall be deemed to be abnormal or extraordinary expenditure, within the meaning of section *seventeen* of the Local Authorities Rating Ordinance 1912 or any amendment thereof, incurred in respect of a particular area served by such tramway and lying outside such inner area ; and the council may, with respect to such capital cost and loss in working (if any), exercise all the powers conferred by the said Ordinance or amendment thereof. The capital cost of construction aforesaid shall mean and include the cost of tracks, and tramways, levelling or making up roads where the track has to be excavated or raised, electrical bonding, overhead or other power construction along such tracks, and any necessary sites for terminuses and car stations.

Special
assessment
for tramways
in outside
districts.

171. The following provisions shall apply to the construction of any tramway in respect of which a special rate is proposed to be levied under the last preceding section :

Certain
conditions
precedent
before
council can
construct
tramways.

(1) The council before entering upon the construction of any such tramway shall—

(a) pass a resolution by a majority of existing councillors at a meeting of the council held not less than fourteen days after notice shall have been given at a meeting of the council of an intention to move for the construction of such tramway ;

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(b) publish daily in six issues of each of two or more newspapers circulating in the municipality an advertisement describing shortly the line of tramway which it is proposed to construct, stating the area of land which is proposed to be specially rated by the council under the powers of the last preceding section, and the proportions (if any) according to which it is proposed that such special rates should be imposed, and naming a place where a plan of the proposed tramway and of such area may be seen at all reasonable hours.

(2) If any person interested as owner, lessee, or occupier of any land proposed to be specially rated by the council, objects to the construction of any such tramway, or to the imposition of any such special rate, or to the proportion according to which it is proposed to impose the same, or to the exclusion of any other property from the area of the land proposed to be specially rated, and serves written notice of such objection on the council and on the Administrator at any time within fourteen days after the last publication of the advertisement mentioned in subsection (1) the council shall not be entitled to proceed with the construction of any such tramway without the sanction of the Administrator unless such objection be withdrawn.

(3) The Administrator may, on the application of the council and on due proof of the proper advertisement having been published, appoint a person or persons to make an inquiry on the spot into the propriety of the proposed undertaking and the objection thereto, and to report to the Administrator on the matters with respect to which such inquiry was directed, and on receiving such report, the Administrator may make an order empowering the council to proceed with the construction of such tramway in the manner proposed by the council, or subject to such conditions and modifications as he may think fit.

Special tramway rates shall be imposed on value of rateable property, less deduction for value of buildings

172. Notwithstanding anything contained in the Local Authorities Rating Ordinance 1912 or any amendment thereof, the council shall, for the purpose of any special rate which it may decide to impose with respect to the capital cost of constructing and any loss that may be incurred in working any line of tramway, deduct from the value of the rateable property on which such rate is to be imposed as appearing in the valuation roll, such part thereof as represents the value of buildings, and impose such

rate on the value of such property, subject to such deduction as aforesaid, instead of on the full value thereof.

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173. If at any time within the period allowed under section *one hundred and seventy-one* for serving notice of objection on the council with reference to the construction of any tramway and to the special rate proposed in respect thereof, the owners of two-thirds of the rateable property on which it is proposed to impose such special rate (such two-thirds being reckoned by value according to the values in the valuation roll for the time being in force but subject to the deduction in the preceding section mentioned) shall sign and cause to be transmitted to the town clerk a petition to the council, praying that the council's proposals for the construction of such tramway, and that the imposition of special rates as set forth in the advertisement with reference thereto, be entirely abandoned, the council shall not proceed further therewith but the same shall forthwith be abandoned, and the council shall not again initiate proceedings under the said section with regard to the construction of such tramway, until after the expiry of a period of six months from the date when such petition for abandonment is received by the town clerk.

If owners of two-thirds in value of property liable to be specially rated in respect of proposed tramway petition for abandonment of council's proposals, council may not proceed.

174. If it shall appear that the amount received or to be received by way of special rates imposed with respect to the capital cost of constructing any line of tramway (as defined by section *one hundred and seventy*), is in excess of such capital cost, the council shall refund to persons who have paid such rates, or remit in favour of persons liable to pay the same, a proportionate part thereof, so that the total amount received or to be received by the council by way of such special rates may be approximately equal to the capital cost of constructing such line of tramway. If any question shall arise as to the amount of any refund due from the council under this section, the person claiming such refund may apply to the Administrator to determine such question, and his decision thereon shall be final.

Excess of special rates over capital cost of constructing tramway to be refunded or remitted.

175. The council may, subject to the approval of the Administrator, establish and maintain cemeteries outside the municipality, and establish, maintain, and work tramways to serve such cemeteries, and it shall have the same power of making by-laws for any such cemetery and tramway and of making charges in connexion therewith as it would have, if the same were within the municipality, and any by-laws relating to cemeteries or tramways

Power to establish cemeteries outside the municipality and tramways in connexion therewith.

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may, by resolution of the council, be applied to any cemetery or tramway established under this section, and on being so applied, shall immediately have full force and effect in relation thereto.

Tramway
by-laws.

176. The council may, from time to time, make, alter, and revoke by-laws for all or any of the following purposes—

(a) for regulating the use of any tramways established, acquired, or worked by the council and the method of working such tramways including the running of privately hired tramcars thereon and for regulating the charges to be made in connection with the use of the council's tramcars, provided that if it so decides, the council may regulate such charges by resolution of the council and not by by-law ;

(b) for appointing separate tramcars for the use of white persons and of natives or Asiatics or other coloured persons respectively and restricting the use of such cars to such persons and prohibiting the use of any tramcars by persons who are not respectably dressed or well conducted ;

(c) for regulating the conditions of service and duties of persons employed by the council in working tramways, and for imposing fines (by means of stoppages of pay) on such persons for negligence, dereliction of duty, or other offence prejudicial to the good and proper working of the tramway system ;

(d) for regulating the disposal of unclaimed articles or goods found in the tramway premises and tramcars of the council.

No such by-law shall be inconsistent with, contrary, or repugnant to the provisions of this Ordinance or of any other law in force within the municipality.

Water.

Special
water
rates.

177. The capital cost of providing or laying any new water mains required for the purpose of supplying water to any land or premises within the municipality, which are not connected with any existing mains, shall be deemed to be abnormal or extraordinary expenditure within the meaning of section *seventeen* of the Local Authorities Rating Ordinance 1912 or any amendment thereof, incurred in respect of any particular area served or intended to be served by any such new water mains, whether the same are laid within or without such area, and the council may, with respect to such capital cost, exercise all the powers conferred by the said Ordinance or any amendment thereof.

Any special rate imposed under this section shall be called "a special water rate" and all the provisions contained in this Ordinance with regard to the construction by the council of any tramway in respect of which a special rate is proposed to be levied, and to the imposition, remission, or refunding of such rate, shall apply *mutatis mutandis* to the providing and laying of any new water mains in respect of which a "special water rate" is proposed to be levied, and to the imposition, remission, or refunding of any "special water rate."

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CHAPTER XI.

GENERAL.

PART I.—POWERS OF ADMINISTRATOR IN LOCAL AUTHORITY'S DEFAULT OR IN EMERGENCY.

178. (1) (a) The term "municipality" as used in this sub-section shall mean the area or district placed under the control of a town council.

Administra-
tor's powers
of nomination
in certain
circum-
stances.

(b) Pending the first election of councillors for any newly constituted municipality the Administrator may, for the purposes of this Ordinance, by proclamation in the *Provincial Gazette*, nominate and appoint such number of fit and proper persons as he shall select, not being less than five nor more than seven, to form a town council with jurisdiction over any area which, under the said Ordinance—

- (i) has been constituted a new municipality for the first time, or
- (ii) has been severed from a municipality (of which it originally formed a part) and constituted a separate municipality.

(c) Every such nominated town council shall exercise all or any of the powers and authorities and shall carry out the duties conferred or imposed on a town council by this Ordinance or under any other law subject to the obligations attaching to the exercise thereof.

(d) The persons so nominated and appointed may or may not be persons resident within the municipality.

(e) Notwithstanding anything to the contrary in any law contained the period of office of every such nominated council shall be from the date of the proclamation aforesaid until the date upon which a council shall be elected for the municipality in

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manner provided in any law providing for the holding of a first election of a town council. Every such nominated town council shall be dissolved upon such latter date.

(f) Notwithstanding anything to the contrary in this Ordinance contained, whenever any area has been severed from a municipality and constituted a separate municipality as aforesaid, the Administrator may by proclamation in the *Provincial Gazette* declare that all by-laws and regulations which at the date of such severance were operative in the area shall notwithstanding such severance have the same force and effect in the said separate municipality, as if promulgated under the law for such separate municipality, until altered or amended under the provisions of Part II of Chapter VII of this Ordinance.

(2) If any local authority shall at any time neglect to hold a meeting for the space of ninety days, the Administrator may dissolve such local authority and nominate and appoint by proclamation in the *Provincial Gazette* such number of fit and proper persons as he shall select, not being less than five nor more than seven, to form such local authority for the purposes of this Ordinance, and every such nominated local authority shall be competent to exercise and is hereby required to exercise, all and singular, the powers and authorities vested under this Ordinance in the local authority which has been so dissolved, provided that—

(a) the persons so nominated and appointed may or may not be persons resident within the area of jurisdiction of such local authority ;

(b) every nominated local authority shall, notwithstanding anything to the contrary contained in this Ordinance or any law providing for the election of such local authority, continue to sit until it be dissolved by proclamation of the Administrator in the *Provincial Gazette*, and prior to such dissolution a local authority shall be elected for the area aforesaid at such date as may be notified by the Administrator, and in manner provided in this Ordinance or any law providing for the holding of a first election of a local authority.

Health
Officer for
the Union
may enter
upon and
inspect all
premises.

179. For the purpose of making such inquiries and investigations into matters relating to public health as he may deem expedient to inquire into, any officer of the Department of Public Health of the Union (hereinafter in this Ordinance referred to as the department), deputed thereto by the Minister,

shall have and is hereby given, for any area of jurisdiction of a local authority, all such powers of inspection and entry as are by this Ordinance conferred on a town council and on the officers of a town council.

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180. (1) It shall be the duty of a local authority if so required by the Administrator, to appoint some person duly qualified in sanitary work and approved by the Minister, to make regular and systematic inspections of the underground and surface workings of any mine within the area of jurisdiction of such local authority. The person appointed shall, for the purpose of duties in connexion with, such inspection, be styled a "mines sanitation inspector" and shall comply with such requests in connexion with the inspection of underground and surface workings of mines within the said area as may be made by or with the authority of any officer of the Department, deputed thereto by the Minister. It shall be the duty of such inspector to take cognizance of any law with regard to the sanitation of underground and surface workings of mines or any regulations made or instructions issued thereunder, and to report to the local authority, to any officer of the Department, deputed thereto by the Minister, and to any other public officer whose duty it is to enforce the observance of any such law, regulations, or instructions, any breach of or failure to comply with the same, and so far as he may be empowered to do so by such officer of the Department or other public officer aforesaid, to take all steps necessary to enforce the observance of and compliance with the provisions of the said law, regulations, or instructions.

Sanitary
control of
surface and
underground
mine
workings.

(2) Where an inspector is appointed under this section, the local authority shall not prosecute any person or partnership or company for any breach of by-laws or regulations made in respect of the sanitation of underground or surface workings of mines under the provisions of this Ordinance, unless the local authority shall first have obtained the consent of any officer of the Department, deputed thereto by the Minister, to undertake such prosecution.

(3) A mines sanitation inspector appointed under this section shall not be removed from his office or suspended from his duties by the local authority without the approval of the Minister.

(4) This section shall not apply to any local authority which has appointed a person, certified by the medical officer of health of such authority to be duly qualified in sanitary work, to carry out

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the duties hereby assigned to a mines sanitation inspector, and thereafter continues to employ to carry out such duties a person so certified, unless it shall appear to the Minister after due inquiry by a person appointed for the purpose that such duties are not being efficiently carried out in the area of jurisdiction of such authority; provided that the local authority shall be entitled to receive fourteen days' notice of an inquiry proposed to be held under this sub-section, and to be heard by the person appointed to conduct such inquiry.

Power of
Adminis-
trator where
local
authority
defaults in
matters of
public health.

181. If any local authority shall fail to do or carry out any work or thing which it is or may be empowered under this Ordinance or any amendment thereof, to do or carry out, or shall fail to make, alter, revoke, or enforce any by-laws or regulations on any matters upon which it is empowered under this Ordinance to make, alter, revoke, and enforce by-laws or regulations, and such failure on the part of a local authority constitutes, in the opinion of any officer of the Department, deputed thereto by the Minister, a grave danger and menace to the health 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 this Ordinance or any amendment thereof, to abate and remove such danger; and if such local authority fail to take and properly carry out the required measures, the Administrator, on satisfying himself that the local authority has so failed without reasonable cause, may—

(a) proclaim such regulations as may be necessary to abate and remove such danger, which regulations shall, until repealed by the Administrator, thereupon have the force and effect of law within the area of jurisdiction of the said local authority;

(b) authorize any person or persons to do or carry out any works or things and to expend such sum in so doing or carrying out works or things as to him may seem necessary, provided that any money expended by the Administrator under this section shall be recoverable by the Administrator from the local authority on the order of any competent court in like manner as if the sum so expended was a loan secured on the property and revenues of the local authority under the provisions of section *fifty-one*; 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 purpose 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.

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PART II.—RECONSTITUTION OF LOCAL AUTHORITIES

182. Where any acts have been done, notices given, or proceedings taken before the commencement of this Ordinance in accordance with the provisions of any law thereby repealed, and such acts, notices, or proceedings would if done, given, or taken after such commencement have been properly done, given, or taken, under this Ordinance, such acts, notices, and proceedings shall be deemed to have been done, given, or taken under this Ordinance.

Provision as to acts done before passing of Ordinance.

183. Whenever the council of any municipality or a health committee constituted under any law repealed by this Ordinance shall come under the operation of this Ordinance, the following provisions shall apply:—

Transference of liabilities and rights.

- (1) All creditors of such council or committee shall have the same rights and remedies as if the law under which such rights and remedies were conferred had not been repealed;
- (2) all works and undertakings authorized to be executed, all rights, liabilities, and engagements existing, and all actions, suits, and legal proceedings pending by or against or in respect of such council or committee, shall be vested in, attached to, and be enforced, carried on, and prosecuted by or against the local authority constituted under this Ordinance, and no such action, suit, or proceeding shall abate or be discontinued or be prejudicially affected by the operation of this Ordinance;
- (3) all rates and charges due, or payable to, or recoverable by such council or committee shall be vested in and recoverable by the local authority constituted by this Ordinance;
- (4) all property movable and immovable vested in or belonging to such council or committee or to which such council or committee was entitled at the commencement of this Ordinance, and

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all assets and claims to which such council or committee was entitled at such commencement shall be vested in and belong to the local authority constituted under this Ordinance ;

(5) all valuation or assessment rolls lawfully compiled by any such council under the provisions of the Local Authorities Rating Ordinance 1912 or any amendment thereof, shall continue in use (under the provisions of the said Ordinance or any amendment thereof) in respect of the municipality for which a council is constituted under this Ordinance, unless the Administrator shall exercise in respect of any village council the powers granted to him under section *one hundred and forty-four* ;

(6) all privileges, powers, jurisdiction, and duties conferred or imposed on any such council or committee by any law, regulation, or by-law in force within the area of jurisdiction of such council or committee at the commencement of this Ordinance, and not repealed by this Ordinance, shall until the said law, regulation, or by-law be repealed under the provisions of any other law or of this Ordinance, be retained by the local authority constituted under this Ordinance in place of such council and committee.

Existing
by-laws and
regulations.

184. (1) The by-laws and regulations made in respect of the area of jurisdiction of any local authority under any law repealed by this Ordinance shall from the commencement of this Ordinance be of the same force and effect within such area as if they had been made under this Ordinance ; provided that such by-laws and regulations be within the powers in this Ordinance conferred.

(2) If any such by-law or regulation be *ultra vires* the law under which it was made, it shall nevertheless be upheld if it be within the powers in this Ordinance conferred.

PART III.—MISCELLANEOUS.

Copy of this
Ordinance to
be open for
inspection.

185. It shall be the duty of the town clerk, in the case of a town or village council, or of the clerk to the committee in the case of a health committee, to keep open for inspection by any person at all reasonable times in the offices of the local authority, a true copy of so much of this Ordinance as is from time to time applicable within the area of jurisdiction of the local authority.

186. (1) The local authority shall furnish the Administrator with a certified copy of any record or minute of its proceedings, or of the proceedings of any committee appointed by the local authority, or of a record of any accounts of the local authority, or such reports, statistics and documents as the Administrator may from time to time require.

Adminis-
trator to be
furnished
with reports,
etc.

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(2) Minutes of the proceedings of each meeting of the local authority or of a committee thereof shall be forwarded by the local authority to the Administrator within ten days from the date on which such minutes were confirmed as prescribed in this Ordinance or in any by-law or regulation thereunder.

(3) It shall be the duty of every local authority to forward to the Administrator a copy of the annual report referred to in sub-section (2) of section *one hundred and thirty-one* of the Public Health Act, 1919.

187. Where any matter or thing is by this Ordinance, or by any order or notice made and published under the authority thereof, directed or forbidden to be done, or where any authority is given by this Ordinance to any person to direct any matter or thing to be done, or to forbid any matter or thing to be done, and such act so directed to be done remains undone, or such act so forbidden to be done is done, in every such case every person offending against such direction or prohibition shall be guilty of an offence against this Ordinance.

Persons
offending
against order
or notice
under this
Ordinance to
be deemed
guilty of
offence
against
Ordinance.

188. Any regulations which the Administrator is by this Ordinance empowered to make—

Regulations
made by
the Adminis-
trator.

(1) may provide penalties for the breach thereof in such manner and to the same extent as is allowed under the provisions of this Ordinance in the case of penalties for breach of by-laws ;

(2) may be made applicable to any one or more local authorities, and regulations made by the Administrator for one local authority may be varied in their provisions and made applicable to any other local authority, provided that nothing in this section contained shall empower the Administrator to make any regulations for a health committee, which the provisions of Chapter IX of this Ordinance do not empower him to make for such committee ;

(3) shall have the force and effect of law within the area in respect of which they are made upon publication in the *Provincial Gazette* or upon such other date as the Administrator may fix

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and notify in the *Provincial Gazette* to be the date upon which the said regulations shall have the force and effect of law within the said area ;

(4) may be amended, altered, and rescinded by publication of a notice in the *Provincial Gazette* in like manner as in sub-section (3) of this section is provided.

No such regulation shall be inconsistent with, contrary, or repugnant to the provisions of this Ordinance or of any other law in force within the area of jurisdiction of the local authority.

Provision
for earlier
notification
of births.

189. (1) In the case of every child born in the municipalities of Pretoria and Johannesburg or in any other municipality to which the Administrator may by proclamation in the *Provincial Gazette* apply the provisions of this section it shall be the duty of the father of the child if he is actually residing in the house where the birth takes place at the time of its occurrence and of any person in attendance upon the mother at the time of, or within six hours after, the birth to give notice in writing of the birth to the medical officer of health in manner provided by this section.

(2) Notice under this section shall be given by posting within thirty-six hours after the birth a prepaid letter or post card addressed to the medical officer of health at his office giving the necessary information of the birth, or by delivering a written notice of the birth at the office of the medical officer within the same time ; and the council shall supply without charge addressed and stamped post cards containing the form of notice to any medical practitioner or midwife residing or practising in the municipality who applies for the same.

(3) Any person who fails to give notice of a birth in accordance with this section shall be liable to a fine not exceeding five pounds (£5) ; provided that a person shall not be liable to a fine under this provision if he satisfies the court that he or she had reasonable grounds for believing that notice had been duly given by some other person.

(4) The notification required to be made under this Ordinance shall be in addition to and not in substitution for the requirements of any law relating to the registration of births ; and any district or assistant district registrar of births and deaths whose district or any part thereof is situate within the municipality shall at all reasonable times have access to notices of births received by the medical

officer of health under this Ordinance or to any book in which those notices may be recorded, for the purpose of obtaining information concerning births which may have occurred in his district.

(5) This section shall apply to any child which has issued forth from its mother after the expiration of the twenty-eighth week of pregnancy, whether alive or dead.

190. Except in special cases approved by the Minister no person shall be permanently appointed by any local authority as sanitary inspector after the commencement of this Ordinance unless he be a certified sanitary inspector as defined by subsection (2) of section *fourteen* of the Public Health Act 1919.

Qualification of sanitary inspectors.

191. (1) The medical officer of health or any veterinary surgeon or any sanitary inspector approved for the purpose of this section by the local authority may at all reasonable times enter any premises within the area of jurisdiction of the local authority, or search any cart or vehicle, or any barrow, basket, sack, bag, receptacle or parcel, in order to inspect and examine and he may inspect and examine—

Powers of local authorities relating to unsound food.

(a) any animal, alive or dead, intended for the food of man which is exposed for sale, or deposited in any place or is in course of transmission for the purpose of sale, or of preparation for sale or for the purpose of being supplied by an employer to his employees; and

(b) any article, whether solid or liquid, intended for the food of man and sold or exposed for sale, or deposited in any place or in course of transmission for the purpose of sale or of preparation for sale or for the purpose of being supplied by an employer to his employees; the medical officer of health or veterinary surgeon or sanitary inspector may seize and carry away by himself or with assistance any such animal or article which is diseased or unsound, or unfit for the food of man, and may detain for a reasonable time pending examination and inquiry any animal or article which is suspected of being diseased or unsound or unfit for the food of man.

A medical officer of health or any veterinary surgeon or any sanitary inspector approved as aforesaid may cut into any dead animal or article of food for the purpose of any examination under this section.

Any European member of a police force lawfully established in the Province shall have power to search carts or vehicles, or barrows, baskets, sacks, bags

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receptacles or parcels ; and to assist generally in executing and enforcing this section.

(2) (a) The medical officer of health or where there is no medical officer of health a sanitary inspector acting with the approval of a district surgeon or other registered medical practitioner, may by writing under his hand order any animal or article which has been or is liable to be seized under this section to be destroyed or so disposed of as to prevent it from being exposed for sale or used for the food of man ; provided that before making such order in respect of any living animal the medical officer of health or sanitary inspector, unless he is himself a qualified veterinary surgeon, shall obtain a certificate from a qualified veterinary surgeon if available that such animal is suffering from a disease the nature of which shall be specified in such certificate, and where such veterinary surgeon is not available, on the authority of the magistrate.

(b) A veterinary surgeon approved as aforesaid may by writing under his hand order any living animal or any carcass or butcher's meat which has been or is liable to be seized under this section to be destroyed or so disposed of as to prevent it being exposed for sale or used for the food of man.

(3) The person to whom any animal or article which has been or is liable to be seized under this section belongs or did belong at the time of sale or exposure for sale, or deposit or transmission for the purpose of sale, or of preparation for sale, or for the purpose of being supplied by an employer to his employees, shall be liable to a fine not exceeding fifty pounds or in default of payment to imprisonment not exceeding three months, for every animal, or article, or if the article consists of fruit, vegetables, corn, bread or flour, for every parcel thereof so seized, unless he proves that he and the person acting on his behalf (if any) did not know and could not with reasonable care have known, that it was in such a condition, or, at the discretion of the court, if it finds that he has knowingly and wilfully committed the offence he shall be liable without the infliction of a fine to imprisonment for a term of not more than three months with or without hard labour and also to pay all expenses caused by the seizure, detention or disposal of such animal or article.

(4) Where a person convicted of an offence under this section has been within twelve months previously convicted of an offence under this section, the magistrate may, if he thinks fit, and finds that the offender knowingly and wilfully committed both such offences, order that a notice of the facts be affixed, in such

form and manner and for such period not exceeding twenty-one days as the magistrate may order, to any premises occupied by that person, and that the person do pay the costs of such affixing, and if any person obstructs the affixing of such notice, or removes, defaces, or conceals the notice while affixed during the said period, he shall for each offence be liable to a fine not exceeding five pounds or in default of payment to imprisonment not exceeding fourteen days.

(5) If the occupier of a licensed slaughter-house is convicted of an offence under this section the magistrate convicting him may cancel the licence for such slaughter-house.

(6) If any person obstructs a medical officer, veterinary surgeon, or sanitary inspector, approved as aforesaid, in the performance of his duty under this section he shall, where the magistrate is satisfied that the obstruction was with the intent to prevent the discovery of an offence under this section, or that the accused has within twelve months previously been convicted of such obstruction, be liable to imprisonment for any term not exceeding one month in lieu of any fine authorized by this Ordinance for such obstruction.

192. All actions against a local authority shall be brought within six months of the time when the causes of such actions arose. Time limit for actions.

193. This Ordinance may be cited for all purposes as the Local Government Ordinance 1926 and shall come into operation on such date as the Administrator shall declare by proclamation in the *Provincial Gazette*.* Title and date of coming into operation.

First Schedule.

SECTION One.

<i>Laws Repealed.</i>	<i>Extent of Repeal.</i>
Ordinance No. 9 of 1912 (The Local Government Ordinance, 1912)	The whole.
Ordinance No. 1 of 1915 (The Local Government Amendment Ordinance, 1915)	The whole except section <i>four</i> .
Ordinance No. 6 of 1916 (The Local Government Amendment Ordinance, 1916)	The whole.
Ordinance No. 12 of 1917 (The Local Government Amendment Ordinance, 1917)	The whole.
Ordinance No. 6 of 1918 (The Local Government Amendment Ordinance, 1918)	The whole.
Ordinance No. 8 of 1919 (The Local Government Amendment Ordinance, 1919)	The whole.
Ordinance No. 14 of 1919 (The Local Government Further Amendment Ordinance, 1919)	The whole.

* 28th July, 1926, Proclamation No. 47, *Provincial Gazette* dated 28th July, 1926, page 53.

Ord. No. 11 of 1926.	<i>Laws Repealed.</i>	<i>Extent of Repeal.</i>
	Ordinance No. 4 of 1920 [The Local Government (Housing) Amendment Ordinance, 1920]	The whole.
	Ordinance No. 10 of 1920 (The Local Government Amendment Ordinance, 1920)	The whole.
	Ordinance No. 12 of 1921 (The Local Government Amendment Ordinance, 1921)	The whole.
	Ordinance No. 14 of 1923 (The Local Government Amendment Ordinance, 1923)	The whole.
	Ordinance No. 6 of 1924 (The Local Government Amendment Ordinance, 1924)	The whole.
	Ordinance No. 12 of 1924 (The Local Government Further Amendment Ordinance, 1924)	The whole.
	Ordinance No. 5 of 1925 (The Local Government Amendment Ordinance, 1925)	The whole.
	Ordinance No. 9 of 1925 (The Local Authorities Rating Amendment Ordinance, 1925)	Section <i>five</i> .
	Ordinance No. 16 of 1925 (The Local Government Further Amendment Ordinance, 1925)	The whole.

Second Schedule.

SECTION *Six* (1).

COUNCILS OF MUNICIPALITIES CONSTITUTED UNDER THE LOCAL GOVERNMENT ORDINANCE, NO. 9 OF 1912, WHICH SHALL BE TOWN COUNCILS UNDER THIS ORDINANCE.

The Council of the Municipality of Barberton.			
"	"	"	Benoni.
"	"	"	Bethal.
"	"	"	Boksburg.
"	"	"	Brakpan.
"	"	"	Ermelo.
"	"	"	Germiston.
"	"	"	Heidelberg.
"	"	"	Johannesburg.
"	"	"	Klerksdorp.
"	"	"	Krugersdorp.
"	"	"	Middelburg.
"	"	"	Pietersburg.
"	"	"	Potchefstroom.
"	"	"	Pretoria.
"	"	"	Roodepoort-Maraisburg
"	"	"	Rustenburg.
"	"	"	Springs.
"	"	"	Standerton.
"	"	"	Vereeniging.
"	"	"	Volksrust.
"	"	"	Witbank.

Third Schedule.

COUNCILS OF MUNICIPALITIES TO WHICH THE PROVISIONS OF SECTION *Thirty-nine* OF THIS ORDINANCE SHALL APPLY.

The Council of the Municipality of Benoni.			
"	"	"	Boksburg,
"	"	"	Brakpan.
"	"	"	Germiston.
"	"	"	Johannesburg.
"	"	"	Krugersdorp.
"	"	"	Potchefstroom.
"	"	"	Pretoria.
"	"	"	Roodepoort-Maraisburg,
"	"	"	Springs.

Fourth Schedule.

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of 1926.**

SECTION *Forty-nine.*

FORM OF STATEMENT REFERRED TO IN SECTION *Forty-nine* OF THIS
ORDINANCE.

This is to certify that all sums due in accordance with section *forty-nine* of the Local Government Ordinance, 1926, to the Town Council (Village Council) of.....in respect of the premises..... registered in the name of.....have been paid to the Council.

This certificate is available to.....19....

Given under my hand at.....this..... day of.....One thousand Nine hundred and.....

Town Clerk,

.....Municipality.

Fifth Schedule.

SECTION *One hundred and sixteen.*

COUNCILS OF MUNICIPALITIES CONSTITUTED UNDER THE LOCAL GOVERNMENT
ORDINANCE, No. 9 of 1912, WHICH SHALL BE VILLAGE COUNCILS CON-
STITUTED UNDER THIS ORDINANCE.

The Council of the Municipality of Amersfoort.

”	”	”	Amsterdam.
”	”	”	Balfour.
”	”	”	Belfast.
”	”	”	Bloemhof.
”	”	”	Breyten.
”	”	”	Carolina.
”	”	”	Christiana.
”	”	”	Duivelskloof.
”	”	”	Dullstroom.
”	”	”	Erasmus.
”	”	”	Hendrina.
”	”	”	Innesdale.
”	”	”	Lichtenburg.
”	”	”	Louis Trichardt.
”	”	”	Lydenburg.
”	”	”	Machadodorp.
”	”	”	Morgenzon.
”	”	”	Nelspruit.
”	”	”	Nigel.
”	”	”	Nylstroom.
”	”	”	Piet Retief.
”	”	”	Potgietersrust.
”	”	”	Sabie.
”	”	”	Schweizer Reneke.
”	”	”	Ventersdorp.
”	”	”	Wakkerstroom.
”	”	”	Willemsdal.
”	”	”	Wolmaransstad.
”	”	”	Zeerust.

Ord. No. 11
of 1926.**Sixth Schedule.**SECTION *One hundred and forty-seven.*HEALTH COMMITTEES CONSTITUTED UNDER THE LOCAL GOVERNMENT
ORDINANCE, NO. 9 OF 1912, WHICH SHALL BE HEALTH COMMIT-
TEES CONSTITUTED UNDER THIS ORDINANCE.

Alberton Health Committee.
 Alexandra Health Committee.
 Brits Health Committee.
 Charl Celliers Health Committee.
 Coligny Health Committee.
 Daspoort Health Committee.
 Delareyville Health Committee.
 Delmas Health Committee.
 Eendracht Health Committee.
 Elsburg Health Committee.
 Fochville Health Committee.
 Graskop Health Committee.
 Greymont Health Committee.
 Hartebeestfontein Health Committee.
 Kinross Health Committee.
 Koster Health Committee.
 Leslie Health Committee.
 Maquassi Health Committee.
 Messina Health Committee.
 Naboomspruit Health Committee.
 Ottosdal Health Committee.
 Paardekop Health Committee.
 Pilgrims Rest Health Committee.
 Rodeon Health Committee.
 Trichard Health Committee.
 Tzaneen Health Committee.
 Warmbaths Health Committee.
 Witpoort Health Committee.

Ord. No. 12
of 1926.**AN ORDINANCE****To provide for the Control of the Issue of General Dealers'
Licences.***(Assented to 29th July, 1926.)**(Date of operation, 1st September, 1926.)***(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 ap-
 pointed under section *sixty-eight* of the
 South Africa Act, 1909, or any amend-
 ment thereof acting on the authority of
 the Executive Committee.

* Proclamation No. 58, *Provincial Gazette* dated 25th August, 1926,
page 227.

“Board” shall mean the rural licensing board constituted by the Administrator under section *four* hereof.

“Certificate” shall mean the document in the form prescribed by regulation made under section *seventeen (c)* hereof, issued by a local authority or board under section *two* hereof authorizing the issue of a general dealer’s licence or a renewal thereof.

“Declared area” shall mean the area or district under the jurisdiction of a board.

“General dealer” shall mean and include a general dealer, baker, butcher (wholesale), butcher (retail), eating-house keeper, fresh produce dealer, laundryman or dry cleaner, miller, motor-garage keeper, pawnbroker, restaurant, refreshment or tea room keeper, auctioneer, as defined in the Licences Consolidation Act 1925, or any amendment thereof.

“Local authority” shall mean a town or village council constituted under the provisions of the Local Government Ordinance, 1926, or any amendment thereof.

“Magistrate” shall mean a magistrate, assistant magistrate or any officer lawfully acting in such capacity.

“Municipality” shall mean the area or district placed under the control and jurisdiction of a town council or of a village council.

2. (1) From and after the date of the operation of this Ordinance no general dealer’s licence or a renewal thereof (hereinafter in this Ordinance referred to as a licence) shall be issued by a receiver of revenue unless the applicant therefor produces with his application for such licence a certificate under this Ordinance.

Application for general dealer’s licence and production of certificate.

(2) Every application for a certificate shall state the class or nature of the business proposed and the place and the premises where it is intended that the business shall be carried on, and also the name of the person who will be in actual control of the business.

3. Every applicant for a licence shall apply for a certificate—

Application for certificate.

(1) in the case of a business within a municipality to the local authority; and

(2) in the case of a business within a declared area to the board.

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of 1926.**

Constitution
of rural
licensing
boards.

4. The Administrator may from time to time by proclamation in the *Provincial Gazette*—

(a) constitute for any area outside a municipality a board, to be called a rural licensing board, consisting of a magistrate, who shall be the chairman, and not less than two nor more than four persons provided that no general dealer shall be appointed to or shall be capable of continuing as a member of any board ;

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

Notification
of application
for certificate.

5. Every applicant for a certificate shall cause a notice in the form prescribed by regulation to be inserted in the *Provincial Gazette*, notifying that he has applied for such certificate. The local authority or board, as the case may be, shall not consider such application until the expiration of a period of fourteen days from the date of publication of such notice.

Power of
local
authority or
board to
refuse
certificate.

6. Every local authority or board shall within the area of its jurisdiction have a discretion to refuse a certificate on any of the following grounds :—

(1) That the premises where it is intended that the business should be carried on are not suitable for the purpose of the business whether as regards their sanitation or situation or character of the buildings structurally or otherwise.

(2) That the locality of the premises is not one in which it is desirable that the business contemplated should be carried on by the applicant or at all.

(3) That in the opinion of the local authority or board concerned the applicant or the person who will be in actual control of the business is not a fit and proper person to hold such a licence or to carry on or control such a business.

And in the case of a business where articles of food or drink are produced, prepared, used or sold for human consumption, also on any of the following grounds :—

(a) That the applicant or the person who will be in actual control of the business is by reason of the uncleanness of his person or habits or methods unfit to be

trusted with the handling, preparation, or sale of such articles of food or drink, or is otherwise not a desirable person to hold such a licence.

(b) That the granting of such a licence in respect of the premises for which it is sought is calculated to cause nuisance or annoyance to persons residing in the neighbourhood.

7. Any person resident within a municipality or a declared area or within five miles from the premises sought to be licensed or owning or occupying similarly licensed premises within the same distance or any member of a police force may lodge objections to and oppose the granting of any licence on compliance with the rules in that behalf, and the local authority or board may make regulations prescribing the procedure to be followed in hearing any objections lodged under the provisions of this section.

Lodging of objections to granting of licence.

8. Every local authority or board hearing any application for a certificate authorizing the renewal of a general dealer's licence shall record the evidence given for or against the application, and where the application is refused, the reasons for the refusal.

Procedure.

9. (1) No town or village councillor shall vote in respect of any application for a certificate in respect of any trade mentioned in the definition of general dealer in section *one* of this Ordinance if he is an applicant for or who holds a licence for the particular trade in respect of which the application is made. Any councillor who so votes in contravention of the provisions of this subsection shall be guilty of an offence and on conviction shall be liable to a fine not exceeding fifty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding six months.

Councillor interested may not vote.

(2) If at any time owing to the provisions of sub-section (1) of this section a quorum of councillors cannot be obtained to consider any application for a certificate, it shall be lawful for the remaining members to deal with such application provided that such remaining members shall consist of not less than three. If the remaining members are less than three, the Administrator may appoint any qualified person or persons to make up such number.

**Ord. No. 12
of 1926.**

Decision of local authority or board in cases of certificates in respect of new licences to be final.
Appeals in cases of refusals of renewals of licences.

10. The decision of a local authority or board on any application made to it for a certificate authorizing the issue of a new general dealer's licence ~~shall be final~~ and shall not be liable to review, reversal or alteration by any court of law.

11. It shall be competent for the applicant for the renewal of a licence to appeal to the Provincial Division of the Supreme Court or a Local Division thereof against any decision of a local authority or board, as the case may be, and the Court may order that the renewal applied for be granted, or may in any case remit the matter to the local authority or board for rehearing and reconsideration ; provided that any application for the renewal of a licence issued between the twelfth day of May, 1926, and the date of the coming into operation of this Ordinance shall be regarded and dealt with as an application for a new licence.

Any person who has lodged an objection to the granting of a certificate by the local authority or board shall have the right to be heard at any appeal.

Suspension of licences.

12. The local authority or board may in authorizing a licence direct it to be suspended pending the erection or completion of buildings according to approved plans with any modifications that may be authorized or pending the execution of repairs or of any necessary alterations of the existing premises.

A suspended licence may not be issued until the local authority or board certifies that the required conditions have been complied with nor in the case of an appeal till the appeal has been determined.

Powers of the Court.

13. The Provincial Division of the Supreme Court or a Local Division thereof shall have power to order that the licence the subject of appeal be renewed with or without any such suspension as is authorized by section *twelve* hereof or the Provincial Division of the Supreme Court or a Local Division thereof, may remit the application to the local authority or board, as the case may be, for rehearing or reconsideration.

Renewal of refused applications

14. If an application for a certificate has been refused on any of the grounds set forth in section *six* of this Ordinance with the exception of those mentioned in sub-section (1) thereof, the local authority or board shall not consider an

application from the same applicant or in respect of the same premises until after the expiration of six months from the date of such refusal.

15. Any person alleging that sufficient notice of an application has not been given in terms of the provisions of section *five* of this Ordinance shall also, if he would have been entitled to lodge objections, be entitled to apply to the local authority or the board, as the case may be, for the application to be heard on proper notice. The local authority or board may thereupon direct that its previous decision be suspended and may upon rehearing decide upon the application *de novo*, subject to the provisions of this Ordinance.

Procedure in cases where sufficient notice has not been given.

16. Any appointments of members of boards and the filling of vacancies on such boards shall be published in the *Provincial Gazette*.

Publication of appointments of members of boards.

17. The Administrator may make, alter, and repeal regulations not inconsistent with the provisions of the Ordinance:—

Regulations.

(a) In respect of matters which this Ordinance specially provides may be prescribed by regulation.

(b) Prescribing the form of any application which may be made under the provisions of this Ordinance and compelling the use of such form.

(c) Prescribing the form of certificate issued under the provisions of section *two* of this Ordinance.

(d) Fixing the period of office of members of boards, the method of filling vacancies, the procedure to be followed by such boards, the number of members which shall constitute a quorum and the allowances to be paid to such members.

(e) Conferring upon a board any or all of the powers, exercisable by a local authority under any law in regard to the regulation of the erection or repairs of buildings intended for business purposes.

(f) Generally for the better carrying out of the objects and purposes of this Ordinance.

18. The General Dealers (Control) Ordinance 1925 shall be and is hereby repealed. Repeal.

19. This Ordinance may be cited for all purposes as the General Dealers (Control) Ordinance 1926 and shall come into operation upon such date as the Administrator shall by proclamation in the *Provincial Gazette* declare.* Short title.

* 1st September, 1926, Proclamation No. 58, *Provincial Gazette* dated 25th August, 1926, page 227.

Ord. No. 13
of 1926.

AN ORDINANCE

To Provide for the Construction and Maintenance of
Main Roads in Municipal Areas.

(Assented to 14th August, 1926.)

(Date of operation, 25th August, 1926.)

(English copy signed by Governor-General.)

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

Definition.

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, or any amendment thereof, acting on the authority of the Executive Committee.

“ Board ” shall mean a Board constituted under the provisions of section *two* of this Ordinance.

“ Council ” shall mean a town or village council constituted under the Local Government Ordinance 1926.

“ Main Road ” shall mean a road passing through a municipality which connects up with and is a continuation of a main road outside the area of any municipality as defined in the Roads Ordinance 1912, but shall not include any portion of the road known as the Main Reef Road, nor any other road passing through a municipality which the Administrator may, in terms of any Ordinance empowering him to do so, undertake to construct, maintain or keep in repair.

Constitution
of Board.

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

(2) Such Board shall consist of—

- (i) a member appointed by the Administrator ;
- (ii) a member appointed by the Council concerned ;

(iii) a member agreed upon by the two members appointed by the Administrator and the Council concerned, provided—

(a) that in the event of the two members failing to agree as to the appointment of the third member, such third member shall be nominated by the Minister of Public Works ;

(b) that if the Council fails, within one month of being notified by the Administrator to appoint a member of the Board, to make such appointment, the Board shall consist of a member appointed by the Administrator and a member appointed by the Minister of Public Works.

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

3. If the Council shall fail to carry out the required work within the period prescribed, or if the Administrator is satisfied that the Council is not taking the necessary steps for the completion of the required work within the period prescribed, he may authorize any person or persons to do or carry out the required work and to expend such sum in so doing or carrying out works or things as to him may seem necessary, provided that any money expended by the Administrator under this section plus interest at the rate of five per cent. per annum shall be recoverable by the Administrator from the Council in like manner as if the sum so expended was a loan secured on the property and revenues of the Council under the provisions of section *fifty-one* of the Local Government Ordinance 1926.

Administra-
tor may
carry out
works.

4. This Ordinance may be cited for all purposes as the Municipal Main Roads Ordinance, 1926.

Short title.

**Ord. No. 13
van 1926.**

(3) Die Administrateur mag, op die aanbeveling van die Kommissie aangeneem deur 'n meerderheid daarvan, kennis gee aan die Raad, en van hom vorder sulke weg of gedeelte daarvan aan te lê of te repareer binne 'n tydperk deur hom voorgeskryf te word.

3. Indien die Raad nalaat die vereiste werk uit te voer binne die voorgeskrewe tydperk, of indien die Administrateur oortuig is dat die Raad nie die nodige stappe neem vir die voltooiing van die vereiste werk binne die voorgeskrewe tydperk nie, mag hy enig persoon of persone magtig die vereiste werk te doen of uit te voer en daaraan sodanige som te spandeer of aan die uitvoering van werke of dinge wat hom nodig voorkom; mits dat enig geld deur die Administrateur gespandeer kragtens hierdie artikel plus rente teen 5 persent per jaar invorderbaar sal wees deur die Administrateur van die Raad op dieselfde manier asof die som aldus gespandeer 'n lening was gesluit op die eiendom en inkomste van die Raad kragtens die bepalings van artikel *een-en-vyftig* van die Plaaslik Bestuur Ordonnansie 1926.

Administra-
teur mag
Werke
uitvoer.

4. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Munisipale Hoofweë Ordonnansie 1926.

Korte Tietel.

**Ord. No. 13
van 1926.**

die Suid-Afrika Wet 1909, of enige amendement daarop, wat handel op die gesag van die Uitvoerende Komitee.

“Kommissie” beteken ’n Kommissie ingestel kragtens die bepaling van artikel *twee* van hierdie Ordonnansie.

“Raad” beteken ’n stads- of dorpsraad ingestel kragtens die Plaaslik Bestuur Ordonnansie 1926.

“Hoofweg” beteken ’n weg wat deur ’n munisipaliteit loop wat aansluit met en ’n voortsetting is van ’n hoofweg buite die gebied van enige munisipaliteit soos omskrewen in die Weë Ordonnansie 1912, dog sal nie insluit enig gedeelte van die weg bekend as die Hoofrifweg nie, nog enige andere weg wat deur ’n munisipaliteit loop wat die Administrateur, in terme van enige Ordonnansie wat hom bevoegdheid verleen sulks te doen, onderneem aan te lê, te onderhou of in reparasie te hou.

Instelling
van
Kommissie.

2. (1) Indien die Administrateur van oordeel is dat enige Raad het nagelaat enige hoofweg of enig gedeelte daarvan aan te lê of te onderhou of in reparasie te hou mag hy oorgaan ’n Kommissie in te stel om aanbevelings te maak oor die stappe wat geneem sal word vir die aanleg of reparasie van sulke weg of gedeelte daarvan ten einde in die behoeftes van die reisende publiek te voorsien.

(2) Sulke ’n Kommissie sal bestaan uit :—

- (i) ’n lid benoem deur die Administrateur ;
- (ii) ’n lid benoem deur die betrokke Raad ;
- (iii) ’n lid ooreengekom deur die twee lede benoem deur die Administrateur en die betrokke Raad, mits :—

(a) Dat in die geval dat die twee lede nie tot ’n ooreenstemming kan geraak aangaande die benoeming van die derde lid nie, sulke derde lid deur die Minister van Publieke Werke sal genomineer word.

(b) Dat indien die Raad, binne een maand na kennisgewing deur die Administrateur, ’n lid van die Kommissie te benoem, nalaat sulke ’n benoeming te maak, die Kommissie sal bestaan uit ’n lid benoem deur die Administrateur en ’n lid benoem deur die Minister van Publieke Werke.

(b) Voorskrywende die vorm van enige applikasie wat mag gemaak word kragtens die bepalings van hierdie Ordonnansie en die gebruik van sodanige vorm verpligtend te stel.

(c) Voorskrywende die vorm van sertifikaat uitgereik kragtens die bepalings van artikel twee van hierdie Ordonnansie.

(d) Vasstellende die ampsduur van lede van Rade, die wyse van aanvulling van vakatures, die prosedure deur sodanige Rade gevolg te word, die aantal lede wat 'n kworum sal uitmaak en die toelae aan sodanige lede betaal te word.

(e) Toekennende aan 'n Raad enige of al die bevoegdhede uitoefenbaar deur 'n Plaaslike Outoriteit kragtens enige wet ten opsigte van die reëling van die oprigting of reparasie van geboue bestem vir besigheidsdoeleindes.

(f) In die algemeen vir die betere toepassing van die strekkinge en doeleindes van hierdie Ordonnansie.

Ord. No. 12
van 1926.

18. Die Algemene Handelaars (Kontrole) Ordonnansie 1925 sal wees en word hierby herroep. Herroeping.

19. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Algemene Handelaars (Kontrole) Ordonnansie, 1926, en sal op sodanige datum in werking tree as die Administrateur by proklamasie in die *Prowinsiale Koerant** sal verklaar. Korte tiitel.

'N ORDONNANSIE

Ord. No. 13
van 1926.

Om Voorsiening te maak vir die Aanleg en Onderhoud van Hoofweë in Munisipale Gebiede.

(Goedgekeur 14 Augustus 1926.)

(Datum van inwerkingtree, 25 Augustus 1926.)

(Engelse kopie deur Goewerneur-generaal geteken.)

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

1. In hierdie Ordonnansie sal, tensy onbestaanbaar met die samehang :— Definiesies.

“Administrateur” beteken die amptenaar benoem kragtens artikel *ag-en-sestig* van

* 1 September 1926, Proklamasie No. 58, *Prowinsiale Koerant*, dato 25 Augustus 1926, bladsy 227.

Ord. No. 12 Skorsing van
van 1926. lisensies.

12. Die Plaaslike Outoriteit of Raad mag by magtiging van 'n lisensie gelas dit geskors word in afwagting van die oprigting of voltooiing van geboue in ooreenstemming met goedgekeurde tekeninge met enige wysiging dat mag gemagtig word of in afwagting van die uitvoering van reparasies of van enige nodige veranderinge aan bestaande geboue.

'n Uitgestelde lisensie mag nie uitgereik word nie totdat Plaaslike Outoriteit of Raad verklaar dat aan die vereiste voorwaardes voldaan is, nog in die geval van 'n appèl totdat die appèl beslis is.

Bevoegdhede
van die Hof.

13. Die Prowinsiale Afdeling van die Hoë Hof of 'n Plaaslike Afdeling daarvan sal die mag besit te gelas dat die lisensie wat die onderwerp van die appèl uitmaak vernuut word met of sonder enige sodanige uitstel as gemagtig is deur artikel *twaaft* hiervan, of die Prowinsiale Afdeling van die Hoë Hof of 'n Plaaslike Afdeling daarvan mag die applikasie terugverwys na die Plaaslike Outoriteit of Raad, na gelang van omstandighede, om herbehandel of heroorweeg te word.

Vernuwing
van geweierde
applikasies.

14. Indien 'n applikasie vir 'n sertifikaat geweier is op enige van die gronde genoem in artikel *ses* van hierdie Ordonnansie met uitsondering van dié genoem in subseksie (1) hiervan, sal die Plaaslike Outoriteit of Raad geen applikasie oorweeg vir dieselfde applikant of ten opsigte van dieselfde gebou nie tot na verloop van ses maande van die datum van sulke weiering.

Prosedure in
gevalle waar
nie voldoende
kennis gegee
is nie.

15. Enige persoon wat beweer dat geen voldoende kennis gegee is nie van 'n applikasie kragtens die bepalings van artikel *vyf* van hierdie Ordonnansie sal ook, indien hy reg sou gehad het besware in te dien, geregtig wees by die Plaaslike Outoriteit of die Raad, na gelang van omstandighede, aansoek te doen dat die applikasie op behoorlike kennisgewing gehoor word. Die Plaaslike Outoriteit of Raad mag daarop gelas dat sy voorafgaande beslissing uitgestel word en mag by herverhoor beslis op die applikasie *de novo* onderwerp aan die bepalings van hierdie Ordonnansie.

Publikasie
van benoe-
minge van le-
de van Raad.

16. Enige benoeminge van Raadslede en die aanvulling van vakatures op sodanige Rade sal in die *Prowinsiale Koerant* gepubliseer word.

Regulasies.

17. Die Administrateur mag regulasies, nie onbestaanbaar nie met die bepalings van die Ordonnansie, maak, verander en herroep :—

(a) Met betrekking tot sake welke hierdie Ordonnansie spesiaal bepaal dat by regulasie mag voorgeskryf word.

sal aantekening hou van die getuienis afgelê vóór of teen die applikasie, en waar die applikasie geweier is, die redes vir die weiering.

9. (1) Geen stads- of dorpsraadslid sal stem oor enige applikasie vir 'n sertifikaat ten opsigte van enig bedryf genoem in die definisie van algemene handelaar in artikel *een* van hierdie Ordonnansie indien hy 'n applikant is vir of 'n lisensie besit vir die bepaalde bedryf waarvoor die applikasie gemaak word. Enig raadslid wat aldus stem in stryd met die bepalings van hierdie subseksie sal skuldig wees aan 'n oortreding en sal by veroordeling blootstaan aan 'n boete van hoogstens vyftig ponde of by wanbetaling aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens ses maande.

(2) Indien ter eniger tyd weens die bepalings van subseksie (1) van hierdie artikel geen kworum van raadslede kan verkry word nie om enige applikasie vir 'n sertifikaat te oorweeg, dan sal die owerige lede geregtig wees sulke applikasie te behandel mits dat sulke owerige lede uit nie minder as drie sal bestaan nie. Indien die owerige lede minder as drie is, dan mag die Administrateur enig bevoegd persoon of persone benoem om sulk aantal voltallig te maak.

10. Die beslissing van 'n Plaaslike Outoriteit of Raad oor enige applikasie aan hom gemaak vir 'n sertifikaat magtigende die uitreiking van 'n nuwe Algemene Handelaarslisensie sal finaal wees en sal nie onderhewig wees aan hersiening, herroeping of verandering deur enige Geregshof.

Belangleb-
bende raads-
lid mag nie
stem nie.

Beslissing van
Plaaslike
Outoriteit
of Raad in
gevalle van
sertifikate
vir nuwe
lisensies
finaal te wees.

11. Die applikant vir die vernuwing van 'n lisensie sal bevoeg wees appèl aan te teken by die Prowinsiale Afdeling van die Hoë Hof of 'n Plaaslike Afdeling daarvan teen enige beslissing van 'n Plaaslike Outoriteit of Raad, na gelang van omstandigheid, en die Hof mag gelas dat die gevraagde vernuwing toegestaan word, of mag in elk geval die saak terugverwys na die Plaaslike Outoriteit of Raad vir herbehandeling en heroorweging; mits dat enige applikasie vir die vernuwing van 'n lisensie, uitgereik tussen die twaalfde dag van Mei 1926, en die datum van inwerkingtreding van hierdie Ordonnansie, sal beskou en mee gehandel word as 'n applikasie vir 'n nuwe lisensie.

Appèls in
gevalle van
weieringe of
vernuwinge
van lisensies.

Enige persoon wat 'n beswaar ingedien het teen die verlening van 'n sertifikaat deur die Plaaslike Outoriteit of Raad sal die reg het by enige appèl gehoor te word.

Ord. No. 12 Bevoegdheid
van 1926. van PlaaslikeOutoriteit of
Raad om
sertifikaat te
weier.

6. Iedere Plaaslike Outoriteit of Raad sal binne die gebied van sy jurisdiksie 'n diskresie besit 'n sertifikaat te weier op enige van die volgende gronde :—

(1) Dat die gebou waarin men van plan is die besigheid te dryf nie geskik is nie vir die doel van die besigheid hetsy uit 'n oop punt van gesondheid of ligging of aard van die gebou wat konstruksie betref of andersins.

(2) Dat die lokaliteit van die gebou nie van die aard is nie waarin dit gewens is dat die voorgename besigheid gedryf word deur die applikant of al dan nie.

(3) Dat die applikant volgens die meening van die Plaaslike Outoriteit of betrokke Raad geen geskik en behoorlik persoon is om 'n sodanige lisensie te besit of 'n sodanige besigheid te dryf of kontroleer nie,

en in die geval van 'n besigheid waarin voedingsartikels of drank geproduseer, bereid, gebruik of verkoop word vir menselike gebruik, ook op enige van die volgende gronde :—

(a) Dat die applikant omredes van die onsindelekheid van sy persoon of gewoontes of metodes ongeskik is toevertrou te wees met die hantering, bereiding of verkoop van sodanige voedingsartikels of drank, of owerigens geen gewenste persoon is nie om 'n sodanige lisensie te besit.

(b) Dat die verlening van 'n sodanige lisensie vir die perseel waarvir dit verlang word bereken is oorlas of ergernis te veroorsaak aan persone in die buurt woonagtig.

Indien van
besware teen
verlening van
lisensies.

7. Enige persoon woonagtig binne 'n munisipaliteit of 'n verklaarde gebied of binne vyf myle van die perseel wat men wens dat gelisensieer word of wat 'n soortgelyk gelisensieerde perseel besit of okkupeer binne dieselfde afstand of enige lid van die poliesiemag, mag besware indien en sig verset teen die verlening van enige lisensie by voldoening aan die desbetreffende voorskrifte, en die Plaaslike Outoriteit of Raad mag regulasies maak voorskrywende die prosedure wat gevolg sal word by verhoor van enige besware ingedien kragtens die bepalinge van hierdie artikel.

Prosedure.

8. Ieder Plaaslike Outoriteit of Raad wat enige applikasie behandel vir 'n sertifikaat magtigende die vernuwing van 'n Algemene Handelaarslisensie,

“Magistraat” beteken ’n magistraat, assistent-magistraat of enig amptenaar wat wettiglik in sulke hoedanigheid optree.

**Ord. No. 12
van 1926.**

“Munisipaliteit” beteken die gebied of distrik geplaas onder die kontrole en jurisdiksie van ’n Stadsraad of van ’n Dorpsraad.

2. (1) Van en na die datum van inwerkingtreding van hierdie Ordonnansie sal geen algemene handelaarslisensie of ’n vernuwing daarvan (hierina in hierdie Ordonnansie ’n lisensie genoem) uitgereik word nie deur ’n ontvanger van inkomste tensy die applikant daarvir met sy applikasie vir sodanige lisensie ’n sertifikaat vertoon kragtens hierdie Ordonnansie.

Applikasie vir algemene handelaarslisensie en vertoning van sertifikaat.

(2) Iedere applikant vir ’n sertifikaat sal die klas of aard van die voorgestelde besigheid opgee en die plek en die perseel waar die plan bestaan dat die besigheid sal uitgeoefen word en ook die naam van die persoon wat die werklike kontrole oor die besigheid sal hê.

3. Iedere applikant vir ’n lisensie sal ’n sertifikaat aanvra—

Applikasie vir sertifikaat.

(1) in die geval van ’n besigheid binne ’n munisipaliteit by die Plaaslike Outoriteit; en

(2) in die geval van ’n besigheid binne ’n verklaarde gebied by die Raad.

4. Die Administrateur mag van tyd tot tyd per proklamasie in die *Provinciale Koerant*—

Instelling van landelike lisensieraad.

(a) vir enige gebied buite ’n munisipaliteit ’n Raad instel, ’n Landelike Lisensieraad genoem word, bestaande uit ’n magistraat, wat die voorsitter sal wees, en minstens twee nog meer as vier persone; mits dat geen algemene handelaar benoem sal word tot of in staat sal wees lid te bly van enige Raad;

(b) die jurisdiksiegebied van sodanige Raad uitbrei, verander of inkrimp, en mag ter eniger tyd sodanige Raad ophef of afskaf indien daarvir gegronde redes aangevoer word.

5. Ieder applikant vir ’n sertifikaat sal ’n kennisgewing in die vorm by regulasie voorgeskryf in die *Provinciale Koerant* laat plaas, waarin hy bekend maak dat hy ’n sodanige sertifikaat aanvra het. Die Plaaslike Outoriteit of Raad, na gelang van omstandigheid, sal sodanige applikasie nie oorweeg nie tot na verloop van ’n tydperk van veertien dae van die datum van publikasie van sodanige kennisgewing.

Kennisgewing van applikasie vir sertifikaat.

Ord. No. 12
van 1926.

'N ORDONNANSIE

**Om voorsiening te maak vir die Kontrole op die
Uitreiking van Algemene Handelaarslisensies.**

(Goedgekeur 29 Julie 1926.)

(Datum van inwerkingtree, 1 September 1926.*)

(Engelse kopie deur Goewerneur-generaal geteken.)

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

Definiesies. **1.** In hierdie Ordonnansie sal, tensy in stryd met die samehang:—

“Administrateur” beteken die amptenaar benoem kragtens artikel *ag-en-sestig* van die Suid-Afrika Wet, 1909, of enige wysiging daarvan, handelende op die gesag van die Uitvoerende Komitee.

“Raad” beteken die Landelike Lisensieraad ingestel deur die Administrateur kragtens artikel *vier* hiervan.

“Sertifikaat” beteken die dokument in die vorm voorgeskrywe deur regulasie gemaak kragtens artikel *sewentien (e)* hiervan, uitgereik deur 'n Plaaslike Outoriteit of Raad kragtens artikel *twee* hiervan, magtigende die uitreiking van 'n algemene handelaarslisensie of 'n vernuwing daarvan.

“Verklaarde gebied” beteken die gebied of distrik onder die jurisdiksie van 'n Raad.

“Algemene Handelaar” beteken en insluit 'n algemene handelaar, bakker, slagter (groot-handel), slagter (kleinhandel), eethuis-houer, handelaar in varse produkte, wasbaas, of droogverver, meulenaar, motorgarasiehouer, pandjieshouer, restourasie, verversings of teekamerhouer, afslaer, soas omskewe in die Lisensies Konsolidasiewet 1925, of enig amendement daarop.

“Plaaslike Outoriteit” beteken 'n Stads- of Dorpsraad, ingestel kragtens die bepalings van die Plaaslik Bestuur Ordonnansie 1926, of enige wysiging daarvan.

* Proklamasie No. 58, *Prowinsiale Koerant*, dato 25 Augustus 1926, bladsy 227.

Die Raad van die Munisipaliteit	Duivelskloof.	Ord. No. 11 van 1926.
" " "	Dullstroom.	
" " "	Erasmus.	
" " "	Hendrina.	
" " "	Innesdale.	
" " "	Lichtenburg.	
" " "	Louis Trichardt.	
" " "	Lydenburg.	
" " "	Machadodorp.	
" " "	Morgenzon.	
" " "	Nelspruit.	
" " "	Nigel.	
" " "	Nylstroom.	
" " "	Pietretief.	
" " "	Potgietersrust.	
" " "	Sabie.	
" " "	Schweizer Reneke.	
" " "	Ventersdorp.	
" " "	Wakkerstroom.	
" " "	Willemsdal.	
" " "	Wolmaransstad.	
" " "	Zeerust.	

Sesde Bylae.

ARTIEKEL Honderd Sewen-en-veertig.

GESONDHEIDSKOMITEES INGESTEL KRAGTENS DIE PLAASLIKE BESTUUR
ORDONNANSIE NO. 9 VAN 1912 WAT GESONDHEIDSKOMITEES SAL
WEES INGESTEL KRAGTENS HIERDIE ORDONNANSIE.

Alberton Gesondheidskomitee.

Alexandra	"
Brits	"
Charl Celliers	"
Coligny	"
Daspoort	"
Delareyville	"
Delmas	"
Eendracht	"
Elsburg	"
Fochville	"
Graskop	"
Greymont	"
Hartebeestfontein	"
Kinross	"
Koster	"
Leslie	"
Maquassi	"
Messina	"
Naboomspruit	"
Ottosdal	"
Paardekop	"
Pelgrimsrust	"
Rodeon	"
Trichard	"
Tzaneen	"
Warmbad	"
Witpoort	"

Eerste Bylae—(vervolg).Ord. No. 11
van 1926.ARTIEKEL *Een*—(vervolg).*Herroep* *Wette*.*In hoever herroep*.

Ordonnansie No. 6 van 1918 (Die Plaaslike Bestuur Wysigings Ordonnansie 1918).	Geheel.
Ordonnansie No. 8 van 1919 (Die Plaaslike Bestuur Wysigings Ordonnansie 1919).	Geheel.
Ordonnansie No. 14 van 1919 (Die Plaaslike Bestuur Verdere Wysigings Ordonnansie 1919).	Geheel.
Ordonnansie No. 4 van 1920 (Die Plaaslike Bestuur (Huisvesting) Wysigings Ordonnansie 1920).	Geheel.
Ordonnansie No. 10 van 1920 (Die Plaaslike Bestuur Wysigings Ordonnansie 1920).	Geheel.
Ordonnansie No. 12 van 1921 (Die Plaaslike Bestuur Wysigings Ordonnansie 1921).	Geheel.
Ordonnansie No. 14 van 1923 (Die Plaaslike Bestuur Wysigings Ordonnansie 1923).	Geheel.
Ordonnansie No. 6 van 1924 (Die Plaaslike Bestuur Wysigings Ordonnansie 1924).	Geheel.
Ordonnansie No. 12 van 1924 (Die Plaaslike Bestuur Verdere Wysigings Ordonnansie 1924).	Geheel.
Ordonnansie No. 5 van 1925 (Die Plaaslike Bestuur Wysigings Ordonnansie 1925).	Geheel.
Ordonnansie No. 9 van 1925 (Die Plaaslike Bestuur Belasting Wysigings Ordonnansie 1925).	Artikel <i>vyf</i> .
Ordonnansie No. 16 van 1925 (Die Plaaslike Bestuur Verdere Wysigings Ordonnansie 1925).	Geheel.

Twede Bylae.ARTIEKEL *Ses* (1).

RADE VAN MUNISIPALITEITE INGESTEL KRAGTENS DIE PLAASLIKE BESTUUR
ORDONNANSIE NO. 9 VAN 1912, WAT STADSRAD E SAL WEES KRAGTENS
HIERDIE ORDONNANSIE.

Die Raad van die Munisipaliteit	Barberton.
”	Benoni.
”	Bethal.
”	Boksburg.
”	Brakpan.
”	Ermelo.
”	Germiston.
”	Heidelberg.
”	Johannesburg.
”	Klerksdorp.
”	Krugersdorp.
”	Middelburg.
”	Pietersburg.
”	Potchefstroom.
”	Pretoria.
”	Roodepoort—Maraisburg.
”	Rustenburg.
”	Springs.
”	Standerton.
”	Vereeniging.
”	Volksrust.
”	Witbank.

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van 1926.

sal betaal van sulke aanplakking, en as enige persoon die aanplakking van sulke kennisgewing verhinder of die kennisgewing verwyder, onleesbaar maak of oordek tydens dit gedurende die genoemde tydperk aangeplak is, dan sal hy vir elke oortreding blootstaan aan 'n boete van hoogstens vyf pond of by wanbetaling aan gevangenisstraf vir 'n tydperk van hoogstens veertien dae.

(5) As die okkupant van 'n gelisensieerde slaghuis veroordeel is weens 'n oortreding kragtens hierdie artikel, mag die magistraat wat hom veroordeel die lisensie vir sulke slaghuis intrek.

(6) As enige persoon 'n geneeskundig amptenaar, veearts, of gesondheidsinspekteur, goedgekeur as voorsê, belemmer in die uitoefening van sy plig kragtens hierdie artikel, sal hy, as die magistraat oortuig is dat die belemmering was met die bedoeling die ontdekking van 'n oortreding kragtens hierdie artikel te belet, of dat die beskuldigde binne twaalf voorafgaande maande weens sulke 'n belemmering veroordeel was, blootstaan aan gevangenisstraf vir 'n tydperk van hoogstens een maand in plaas van enige boete deur hierdie Ordonnansie gemagtig vir sulke belemmering.

Tydsbepaling
vir
aanklagtes.

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

Titel en
datum van
in werking-
treding.

193. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Plaaslike Bestuur Ordonnansie 1926 en sal op sulke datum in werking tree as die Administrateur deur proklamasie in die *Prowinsiale Koerant** sal verk'aar.

Eerste Bylae.

ARTIEKEL Een.

<i>Herroepe Wette.</i>	<i>In hoever herroep.</i>
Ordonnansie No. 9 van 1912 (Die Plaaslike Bestuur Ordonnansie, 1912).	Geheel.
Ordonnansie No. 1 van 1915 (Die Plaaslike Bestuur Wysigings Ordonnansie 1915).	Geheel behalwe artikel vier.
Ordonnansie No. 6 van 1916 (Die Plaaslike Bestuur Wysigings Ordonnansie 1916).	Geheel.
Ordonnansie No. 12 van 1917 (Die Plaaslike Bestuur Wysigings Ordonnansie 1917).	Geheel.

* 28 Julie 1926, Proklamasie No. 47, *Prowinsiale Koerant*, dato 28 Julie 1926, bladsy 53.

word vir menslike voedsel; mits dat die geneeskundige gesondheidsamptenaar of gesondheids- of sanitêre inspekteur alvorens sulke order te maak ten opsigte van enige lewende dier, tensy hyself 'n gekwalifiseerde veearts is, 'n sertifikaat sal verkry van 'n gekwalifiseerde veearts, indien beskikbaar, dat sulke dier lydende is aan 'n siekte waarvan die aard in sulke sertifikaat sal vermeld word, en waar sulke 'n veearts nie beskikbaar is nie, op gesag van die magistraat.

(b) 'n Veearts goedgekeur as voorsê, mag skriftelik onder sy hand gelas dat enige lewende dier of enige karkas of slagtersvleis wat in beslag geneem is of kan word kragtens hierdie artikel vernietig of op sodanige wyse behandel word dat voorkom word dat dit vir verkoop uitgestal of vir menslike voedsel gebruik word.

(3) Die persoon aan wie enige dier of artikel wat in beslag geneem was of kan word kragtens hierdie artikel toebehoort of toebehoor het ten tyde van verkoop of uitstalling vir verkoop, of berging of oorbrenning vir die doel van verkoop, of van bereiding vir verkoop, of vir die doel deur 'n werkgewer aan sy bediendes verstrekk te word, sal blootstaan aan 'n boete van hoogstens vyftig pond of by wanbetaling aan gevangenisstraf van hoogstens drie maande, vir ieder dier of artikel, of as die artikel bestaan uit vrugte, groentes, koring, brood of meel vir iedere pakket daarvan aldus in beslag geneem, tensy hy bewys dat hy en die persoon wat vir hom optree (as daar so iemand is) nie geweet het en met redelike sorg nie kon geweet het nie, dat dit in sodanige toestand verkeer het, of hy sal, na diskresie van die hof, as dit bevind dat hy opsetlik en moedswillig die oortreding begaan het, sonder oplegging van 'n boete blootstaan aan gevangenisstraf vir 'n tydperk van hoogstens drie maande met of sonder harde arbeid en ook aan betaling van alle onkoste veroorsaak deur die inbeslagneming aanhouding of behandeling van sulke dier of artikel.

(4) Waar 'n persoon veroordeel weens 'n oortreding kragtens hierdie artikel, binne twaalf voorafgaande maande veroordeel was weens 'n oortreding kragtens hierdie artikel, mag die magistraat, as hy dit dienstig ag, en bevind dat die oortreder albei sulke oortredings opsettelik en moedswillig begaan het, gelas dat 'n kennisgewing van die feite in sulke vorm en wyse en vir sulke tydperk van hoogstens een-en-twintig dae na gelang die magistraat mag gelas, aangeplak word op enige eiendom deur daardie persoon geokkupeer, en dat die persoon die koste

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hy 'n gesertifiseerde gesondheidsinspekteur is soas omskrywe deur subartikel (2) van artikel *veertien* van die Volksgesondheidswet 1919.

Bevoegdheid van plaaslike outoriteite met betrekking tot ongesonde voedsel.

191. (1) Die geneeskundige gesondheidsamptenaar of enige veearts of enige gesondheidsinspekteur goedgekeur vir die doel van hierdie artikel deur die plaaslike outoriteit, mag op alle redelike tye enige eiendom binne die jurisdiksiegebied van die plaaslike outoriteit betree of binnegaan, of enige kar of voertuig ondersoek of enige kruiwa, mand, sak, draagbak of pakket vir inspeksie en ondersoek, en hy mag inspekteer en ondersoek—

(a) enige dier, lewend of dood, bestem vir menslike voedsel, wat te koop is uitgestal, of op enige plek bewaar, of wat oorgebring word vir die doel van verkoop, of vir bereiding vir verkoop, of vir die doel deur 'n werkgewer aan sy bediendes verstrekk te word; en

(b) enige artikel, hetsy vas of vloeibaar, bestem vir menslike voedsel en verkoop of vir verkoop uitgestal, of op enige plek bewaar of tydens oerbringing vir die doel van verkoop of bereiding vir verkoop of vir die doel deur 'n werkgewer aan sy bediendes verstrekk te word; die geneeskundige gesondheidsamptenaar of veearts of gesondheidsinspekteur mag persoonlik of met hulp sulke dier of artikel wat siek of ongesond is of ongeskik vir menslike voedsel in beslag neem en meeneem, en enige dier of artikel wat vermoed word siek of ongesond of ongeskik te wees vir menslike voedsel, vir 'n redelike tyd, in afwagting van keuring en ondersoek, vashou.

'n Geneeskundige gesondheidsamptenaar of enige veearts of enige gesondheidsinspekteur goedgekeur as voorsê, mag in enige dooie dier of voedingsartikel sny vir die doel van enige ondersoek kragtens hierdie artikel.

Enige blanke lid van 'n polisiemag wettiglik in die Provinsie gevestig, sal bevoeg wees karre en voertuie, of kruiwaens, mande, sakke, draagbakke of pakkette te ondersoek; en in die algemeen meewerk in die toepassing van hierdie artikel.

(2) (a) Die geneeskundige gesondheidsamptenaar of waar geen geneeskundige gesondheidsamptenaar bestaan nie, 'n gesondheidsinspekteur wat optree met die goedkeuring van 'n distriksgeneesheer of ander geregistreerde geneeskundige, mag skriftelik onder sy hand gelas dat enige dier of artikel wat in beslag geneem is of kan word kragtens hierdie artikel, vernietig of so behandel word dat voorkom word dat dit vir verkoop uitgestal word of gebruik

die vader van die kind verplig wees, as hy werklik in die huis woon waarin die geboorte plaas het ten tyde van die gebeurtenis en van enige ander persoon wat die moeder verpleeg ten tyde van, of binne ses ure na die geboorte, skriftelik van die geboorte kennis te gee aan die geneeskundige gesondheidsamptenaar op die wyse soas deur hierdie artikel voorgeskrywe.

(2) Die kennisgewing kragtens hierdie artikel sal geskied deur binne ses-en-dertig uur na die geboorte 'n gefrankeerde brief of briefkaart gerig aan die geneeskundige gesondheidsamptenaar op sy kantoor per post te stuur met die nodige informasie aangaande die geboorte, of deur 'n skriftelike kennisgewing af te lewer op die kantoor van die geneeskundige amptenaar binne dieselfde tyd; en die raad sal kosteloos geadresseerde en gefrankeerde briefkaarte verstrek bevattende die vorm van kennisgewing aan enige geneeskundige of verloskundige woonagtig of praktiserende in die munisipaliteit, wat daarvoor aansoek doen.

(3) Enige persoon wat versuim kennis te gee van 'n geboorte in ooreenstemming met hierdie artikel, sal blootstaan aan 'n boete van hoogstens vyf pond (£5); mits dat iemand nie aan 'n boete sal blootstaan nie kragtens hierdie bepaling as hy die hof bewys dat hy of sy redelike gronde had vir die veronderstelling dat deur enige ander persoon behoorlik kennis gegee was.

(4) Die kennisgewing vereis gedien te word kragtens hierdie Ordonnansie sal wees buiten en behalwe en nie in die plek van die voorskrifte van enige wet nie wat betrekking het op die registrasie van geboortes; en enig distriks- of assistent distriks-registrateur van geboortes en sterfgevallen wie se distrik of enige deel daarvan binne die munisipaliteit geleë is, sal op alle redelike tyde toegang hê tot kennisgewings van geboortes ingekom by die geneeskundige gesondheidsamptenaar kragtens hierdie Ordonnansie, of tot enige boek waarin van hierdie kennisgewings aantekening gehou word, vir die doel informasie te verkry aangaande geboortes wat in sy distrik plaas gehad het.

(5) Hierdie artikel sal toepaslik wees op enige kind wat uit sy moeder voortgekom het na verloop van die ag-en-twintigste week van swangerskap, hetsy lewend of dood.

190. Behalwe in spesiale gevalle deur die Minister goedgekeur, sal niemand na aanvang van hierdie Ordonnansie deur enige plaaslike outoriteit permanent tot gesondheidsinspekteur aangestel word nie tensy

Kwalifikasie
van gesond-
heids-
inspekteurs.

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van 1926.

Oortreders
van order of
kennisgewing
kragtens
hierdie
Ordonnansie
geag skuldig
te wees aan
oortreding op
Ordonnansie.

187. Waar enige saak of ding deur hierdie Ordonnansie of deur enige order of kennisgewing gemaak en gepubliseer uit krag daarvan, opgedra of verbied is te doen, of waar enige magtiging deur hierdie Ordonnansie verleen is aan enige persoon om te gelas dat enige saak of ding gedoen word of verbied word enige saak of ding te doen, en sulke handeling aldus gelas gedoen te word ongedaan bly of sulke handeling aldus verbied gedoen te word gedaan is, sal in iedere geval iedere persoon wat sulke bevel of verbod oortree skuldig wees aan 'n oortreding van hierdie Ordonnansie.

Regulasies
deur Admi-
nistrateur
gemaak.

188. Enige regulasies wat die Administrateur deur hierdie Ordonnansie bevoeg is te maak—

(1) mag strawwe bepaal vir oortreding daarvan op sulke wyse en in dieselfde mate as is toegestaan kragtens die bepalings van hierdie Ordonnansie in die geval van strawwe vir oortreding van verordeninge;

(2) mag van toepassing gemaak word op enigen of meerdere plaaslike outoriteite, en regulasies deur die Administrateur gemaak vir een plaaslike outoriteit mag verander word wat die bepalings daarvan aangaan en toepaslik gemaak word op enige ander plaaslike outoriteit, mits dat niks in hierdie artikel vervat die Administrateur bevoegdheid sal verleen enige regulasies te maak vir 'n gesondheidskomitee, wat die bepalings van Hoofstuk IX van hierdie Ordonnansie hom geen bevoegdheid verleen nie vir sulke komitee te maak;

(3) sal krag van wet hê binne die gebied waarvoor hulle gemaak is na publikasie in die *Prowinsiale Koerant* of op sulke datum as die Administrateur mag bepaal en bekendmaak in die *Prowinsiale Koerant* as die datum waarop die genoemde regulasies krag van wet sal hê binne die genoemde gebied;

(4) mag gewysig, verander en herroep word deur publikasie van 'n kennisgewing in die *Prowinsiale Koerant* op dieselfde wyse as bepaal is in subartikel (3) van hierdie artikel.

Geen sulke regulasie mag onbestaanbaar of in stryd wees nie met die bepalings van hierdie Ordonnansie of van enige ander wet van krag binne die jurisdiksiegebied van die plaaslike outoriteit.

Bepaling vir
vroëere aan-
gifte van
geboortes.

189. (1) In die geval van iedere kind gebore in die munisipaliteite Pretoria en Johannesburg of in enige ander munisipaliteit waarop die Administrateur deur proklamasie in die *Prowinsiale Koerant* die bepalings van hierdie artikel mag toepas, sal

van sulke raad of komitee by aanvang van hierdie Ordonnansie, en nie deur hierdie Ordonnansie herroep nie, sal, totdat die genoemde wet, regulasie, of verordening kragtens die bepalings van enige andere wet of hierdie Ordonnansie herroep is, deur die plaaslike outoriteit ingestel kragtens hierdie Ordonnansie behou word in die plaas van sulke raad of komitee.

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184. (1) Die verordeninge en regulasies gemaak met betrekking tot die jurisdiksiegebied van enige plaaslike outoriteit kragtens enige wet deur hierdie Ordonnansie herroep, sal van die aanvang van hierdie Ordonnansie van dieselfde krag en toepassing wees binne sulke gebied asof hulle kragtens hierdie Ordonnansie gemaak was; mits dat sulke verordeninge en regulasies val binne die bevoegdhede in hierdie Ordonnansie toegeken.
- (2) As enige sulke verordening of regulasie *ultra vires* die wet is waaronder dit gemaak was, sal dit nietemin gehandhaaf word as dit binne die bevoegdhede is in hierdie Ordonnansie toegeken.

Bestaande
verordeninge
en regulasies.

DEEL III.—GEMENG.

185. Die stadsklerk van 'n stads- of dorpsraad in die geval van 'n stads- of dorpsraad, of die klerk van 'n gesondheidskomitee in die geval van 'n gesondheidskomitee, sal verplig wees op alle redelike ure in die kantore van die plaaslike outoriteit 'n ware kopie van so veel van hierdie Ordonnansie as van tyd tot tyd van toepassing is binne die jurisdiksiegebied van die plaaslike outoriteit vir ieder ter insage te lê.

Kopie van
hierdie
Ordonnansie
ter insage
wees.

186. (1) Die plaaslike outoriteit sal die Administrateur voorsien van 'n gesertifiseerde kopie van enige verslag of notule van sy verrigtings, of van die verrigtings van enige komitee deur die plaaslike outoriteit benoem, of van 'n staat van alle rekenings van die plaaslike outoriteit, of sulke rapporte statistieke en dokumente as die Administrateur van tyd tot tyd mag verlang.

Administra-
teur van
rapporte,
ens., voorsien
te word.

(2) Notule van die verrigtings van elke vergadering van 'n plaaslike outoriteit of van 'n komitee daarvan sal deur die plaaslike outoriteit binne tien dae na die datum waarop sulke notule goedgekeur was soas voorgeskrywe in hierdie Ordonnansie of in enige verordening of regulasie daaronder, aan die Administrateur gestuur word.

(3) Iedere plaaslike outoriteit sal verplig wees aan die Administrateur 'n kopie te stuur van die jaarverslag genoem in subartikkel (2) van artikel *honderdeen-en-dertig* van die Volksgesondheidswet, 1919.

Ord. No. 11 Oordrag van
van 1926. verpligtings
en regte.

183. Telkens wanneer die raad van enige munisipaliteit of 'n gesondheidskomitee ingestel kragtens enige wet deur hierdie Ordonnansie herroep, onder die toepassing van hierdie Ordonnansie sal val, sal die volgende bepalings van toepassing wees:—

(1) Alle krediteure van sulke raad of komitee sal dieselfde regte en verhaal hê as of die wet waaronder sulke regte en verhaal verleen was, nie ingetrek sou gewees het nie;

(2) alle werke en ondernemings gemagtig uitgevoer te word, alle regte, verpligtings en verbintenisse bestaande en alle handelings, vervolgings en regsake aanhangig gemaak deur of ingestel teen en ten opsigte van sulke raad of komitee, sal toegeken wees, verbind aan en toegepas, voortgesit en vervolgd word deur teen die plaaslike outoriteit ingestel kragtens hierdie Ordonnansie, en geen sulke handeling, vervolging of regsake sal verval of afgebreek word nie of benadeel word deur die inwerking-treding van hierdie Ordonnansie;

(3) alle belastings en gelde verskuldig, of betaalbaar aan of invorderbaar deur sodanige raad of komitee sal toekom aan en invorderbaar wees deur die plaaslike outoriteit kragtens hierdie Ordonnansie ingestel;

(4) alle roerende en onroerende eiendom, die eiendom van en wat aan die raad of komitee toebehoort of waarop sulke raad of komitee by aanvang van hierdie Ordonnansie geregtig was, en alle bate en vorderings waarop sulke raad of komitee by die aanvang geregtig was, sal die eiendom wees van en toebehoor aan die plaaslike outoriteit kragtens hierdie Ordonnansie ingestel;

(5) alle waarderings- of aanslaglyste wettig deur enige sulke raad saamgestel kragtens die bepalings van die Plaaslike Bestuur Belastings Ordonnansie 1912 of enige wysiging daarvan, sal in gebruik bly (kragtens die bepalings van die genoemde Ordonnansie of enige wysiging daarvan) vir die munisipaliteit waarvoor 'n raad is ingestel kragtens hierdie Ordonnansie, tensy die Administrateur met betrekking tot enige dorpsraad die bevoegdheid sal uitoefen aan hom toegeken kragtens artikkel *honderd vier-en-veertig*;

(6) alle voorregte, bevoegdhede, jurisdiksie, en pligte toegeken of opgelê aan enige sulke raad of komitee, deur enige wet, regulasie, of verordening van krag binne die jurisdiksiegebied

te voer, mag die Administrateur na sig oortuig te hê dat die plaaslikê outoriteit aldus sonder redelike oorsaak nalatig gewees het—

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(a) sulke regulasies as nodig mag wees om sulke gevaar te verminder en op te hef proklameer, welke regulasies, totdat hulle deur die Administrateur herroep is, daarop die krag en effek het van wet binne die jurisdiksiegebied van die genoemde plaaslike outoriteit ;

(b) enig persoon of persone magtig enige werke of dinge te verrig of uit te voer en in die verrigting of uitvoering van werke of dinge as hy noodsaaklik mag ag sulke som te spandeer mits dat enige gelde deur die Administrateur kragtens hierdie artikel gespandeer, deur die Administrateur van die plaaslike outoriteit invorderbaar sal wees op las van enige bevoegde 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* ; mits verder dat in die geval van 'n plaaslike outoriteit op wie se jurisdiksiegebied die bepalings van die Plaaslike Bestuur Belasting Ordonnansie of enige wysiging daarvan nie toepaslik is nie, die Administrateur mag proklameer dat die bepalings van daardie Ordonnansie of wysiging daarvan van toepassing sal wees vir die doel eiendom aan te slaan binne die jurisdiksiegebied van die genoemde plaaslike outoriteit, en eiendomsbelasting te hef van sulke eiendom tot sulk 'n bedrag en vir sulk 'n tydperk as wat 'n som sal opbring gelyk aan die uitgawe deur die Administrateur gemaak kragtens en vir die doeleindes van hierdie artikel.

DEEL II.—HERINSTELLING VAN PLAASLIKE OUTORITEITE.

182. Waar enige handeling verrig was, kennisgewings gedien, of vervolgings ingestel voor die aanvang van hierdie Ordonnansie ooreenkomstig die bepalings van enige wet hierby herroep, en sulke handeling, kennisgewings of vervolgings sou, indien verrig, gedien of ingestel na sulke aanvang behoorlik verrig, gedien of ingestel wees kragtens hierdie Ordonnansie, sal sulke handelings, kennisgewings en vervolgings geag word verrig, gedien en ingestel te wees kragtens hierdie Ordonnansie.

Bepaling in sake handelinge verrig voor aanvang van Ordonnansie.

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of vennootskap of maatskappy vervolg nie vir enige oortreding van verordeninge of regulasies gemaak ten opsigte van die gesondheidsmaatreëls van onder- of bowegronde werke van myne kragtens die bepalinge van hierdie Ordonnansie, tensy die plaaslike outoriteit vooraf die toestemming sal verkry het van enige amptenaar van die Departement, daartoe deur die Minister aangewys, om sulke vervolging in te stel.

(3) 'n Myn-gesondheidsinspekteur benoem kragtens hierdie artikel, sal nie uit sy betrekking ontslaan of in sy diens geskors word nie deur die plaaslike outoriteit, sonder die goedkeuring van die Minister.

(4) Hierdie artikel sal nie toepaslik wees nie op enige plaaslike outoriteit wat iemand benoem het, gesertifiseer deur die geneeskundige gesondheidsamptenaar van sulke outoriteit, dat hy behoorlik gekwalifiseer is in gesondheidswerk om die pligte te vervul hierby opgedra aan 'n myn-gesondheidsinspekteur, en daarna voortgaan sig van 'n aldus gesertifiseerde persoon te bedien sulke pligte te vervul, tensy na behoorlike ondersoek deur iemand vir die doel benoem die Minister blyk dat sulke pligte nie behoorlik vervul word nie in die jurisdiksiegebied van sulke plaaslike outoriteit; mits dat die plaaslike outoriteit geregtig sal wees op veertien dae vooraf kennisgewing van 'n ondersoek voorgeneem gehou te word kragtens hierdie subartikel, en gehoor te word deur die persoon aangestel om sulke ondersoek in te stel.

Bevoegdheid van Administrateur waar plaaslike outoriteit tekort skiet in aangeleenthede van volksgesondheid.

181. As enige plaaslike outoriteit nalatig sal wees in die uitvoering van enige werk of ding waartoe hy kragtens hierdie Ordonnansie of enige wysiging daarvan bevoeg is of bevoeg gemaak mag word te doen of uit te voer, of sal versuim enige verordeninge of regulasies te maak, te verander of in te trek met betrekking tot enige sake waartoe hy kragtens hierdie Ordonnansie bevoeg is verordeninge te maak, te verander of in te trek, en dat sulke versuim, volgens die mening van enige amptenaar van die Departement daartoe deur die Minister aangewys 'n ernstig gevaar en bedreiging oplewer vir die gesondheid van die publiek binne of buite sy jurisdiksiegebied, dan mag die Administrateur aan die nalatige plaaslike outoriteit kennis gee en van hom verlang maatreëls te neem vallende onder sy bevoegdhede kragtens hierdie Ordonnansie of enige wysiging daarvan sulke gevaar te verminder en op te hef; en as sulke plaaslike outoriteit versuim die vereiste maatreëls te neem en behoorlik uit

sulke datum as deur die Administrateur bekendgemaak mag word, en op die wyse soas bepaal in hierdie Ordonnansie of enige wet wat voorsiening maak vir die hou van 'n eerste verkiesing van 'n plaaslike outoriteit.

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179. Vir die doel alle sulke ondersoekings en navorsings in te stel in sake wat betrekking het op volksgesondheid as hy dienstig mag ag te ondersoek, sal 'n amptenaar van die Departement van Volks- gesondheid van die Unie (hierna in hierdie Ordonnansie die Departement genoem), daartoe afgevaardig deur die Minister, alle sulke bevoegdhede van inspeksie en toegang hê en wat hierby aan hom toegeken word vir enige gebied van 'n plaaslike outoriteit as deur hierdie Ordonnansie toegeken is aan 'n stadsraad en aan die amptenare van 'n stadsraad.

**Gesondheids-
amptenaar
vir die Unie
mag alle
eiendomme
op- en ingaan
en inspekteer.**

180. (1) 'n Plaaslike outoriteit sal verplig wees, as sulks deur die Administrateur verlang word, een of ander persoon behoorlik gekwalifiseer in sanitêre werk en goedgekeur deur die Minister, te benoem om gereelde en sistematiese inspeksies te maak van die onder- en bogrondse werke van enige myn binne die jurisdiksiegebied van sulke plaaslike outoriteit. Die benoemde persoon sal, vir die doel van pligte in verband met sulke inspeksie 'n "myn gesondheidsinspekteur" genoem word en sal voldoen aan sulke versoeke in verband met die inspeksie van ondergrond- en bogrondse werke van myne binne die genoemde gebied as gedoen mag word deur of met die magtiging van enige amptenaar van die Departement, aan wie dit deur die Minister opgedra is. Dit sal die plig wees van sulke inspekteur sig op die hoogte te stel van enige wet wat betrekking het op die toepassing van gesondheidsmaatreëls van ondergrond- en bogrondse werke van myne of van enige regulasies of instruksies daaronder gemaak, en kennis te gee aan die plaaslike outoriteit, aan enige amptenaar van die Departement, daartoe deur die Minister aangewys, en aan enige ander staatsamptenaar wie sy plig dit is die nakoming van enige sulke wet, regulasies, of instruksies toe te pas, van enige oortreding van of versuim om daaraan te voldoen, en vir so ver as hy daartoe bevoegdheid besit deur sulke amptenaar van die Departement of ander voornoemde staatsamptenaar, alle moontlike stappe te neem nodig vir nakoming van en voldoening aan die bepalings van die genoemde wet, regulasies of instruksies.

**Sanitêre kon-
trôle op bo-
en onder-
grondse
mynwerke.**

(2) Waar 'n inspekteur kragtens hierdie artikel benoem is, sal die plaaslike outoriteit geen persoon

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(d) Die aldus genomineerde en benoemde persone mag al of nie persone wees binne die munisipaliteit woonagtig.

(e) Nieteenstaande teenoorgestelde bepalinge in enige wet vervat, sal die ampstydperk van ieder sulke genomineerde raad wees van die datum van die voorgesegde proklamasie tot die datum waarop 'n raad vir die munisipaliteit sal verkies word op die wyse bepaal in enige wet wat voorsiening maak vir die hou van 'n eerste verkiesing van 'n stadsraad. Iedere sulke genomineerde stadsraad sal op sulke laasgenoemde datum ontbind word.

(f) Nieteenstaande teenoorgestelde bepalinge in hierdie Ordonnansie vervat, mag die Administrateur telkens wanneer enige gebied afgeskeie is van 'n munisipaliteit en as 'n afsonderlike munisipaliteit ingestel is as voorsê, deur Proklamasie in die *Prowinsiale Koerant* verklaar dat alle verordeninge en regulasies wat op datum van sulke afskeiding in die gebied van krag was, nieteenstaande sulke afskeiding van dieselfde krag en toepassing sal wees in die afgeskeie munisipaliteit as of afgekondig kragtens die wet vir sulke afgeskeie munisipaliteit, totdat hulle verander of gewysig is kragtens die bepalinge van Deel II van Hoofstuk VII van hierdie Ordonnansie.

(2) As enige plaaslike outoriteit te eniger tyd sal versuim 'n vergadering te hou vir die tydsverloop van neëntig dae, dan mag die Administrateur sulke plaaslike outoriteit ontbind en deur proklamasie in die *Prowinsiale Koerant* sulk 'n aantal bekwame en behoorlike persone nomineer en benoem as hy sal uitkies, wat nie minder as vyf sal wees nie nog meer as sewe, om sulke plaaslike outoriteit uit te maak vir die doeleindes van hierdie Ordonnansie, en iedere sulke genomineerde plaaslike outoriteit sal bevoegd wees en word hierby opgedra alle en enige van die bevoegdhede en magte uit te oefen kragtens hierdie Ordonnansie aan die plaaslike outoriteit toegeken, wat aldus ontbind was, mits dat—

(a) die aldus genomineerde en benoemde persone al of nie persone mag wees woonagtig binne die jurisdiksiegebied van sulke plaaslike outoriteit ;

(b) iedere genomineerde plaaslike outoriteit, nieteenstaande teenoorgestelde bepalinge in hierdie Ordonnansie vervat of in enige wet wat voorsiening maak vir die verkiesing van sulke plaaslike outoriteit, sal bly sitting hou totdat dit deur proklamasie van die Administrateur in die *Prowinsiale Koerant* ontbind word, en voor sulke ontbinding sal 'n plaaslike outoriteit verkies word vir die voornoemde gebied op

betrekking tot sulke kapitaalkoste, al die bevoegdhede uitoefen deur die genoemde Ordonnansie of enige wysiging daarvan toegeken.

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Enige spesiale belasting opgelê kragtens hierdie artikel sal 'n "spesiale waterbelasting" genoem word en al die bepalings vervat in hierdie Ordonnansie met betrekking tot die aanleg deur die raad van enige tremweg ten opsigte waarvan 'n spesiale belasting voorgestel word gehef te word en van die oplegging, kwytskelding of terugbetaling van sulke belasting sal *mutatis mutandis* van toepassing wees op die voorsiening en aanleg van enige nuwe waterleidings met betrekking waartoe 'n "spesiale waterbelasting" voorgestel word gehef te word, en op die oplegging, kwytskelding of terugbetaling van enige "spesiale waterbelasting."

HOOFSTUK XI.

ALGEMEEN.

DEEL I.—BEVOEGDHEDE VAN ADMINISTRATEUR BY NALATIGHEID VAN PLAASLIKE OUTORITEIT OF IN NOODSAKELIKE GEVAL.

178. (1) (a) Die uitdrukking "munisipaliteit" soas gebruik in hierdie subartikel sal beteken die gebied of distrik geplaas onder die kontrôle van 'n stadsraad.

Bevoegdhe
van Admini-
strateur
tot nominasie
onder
sekere
omstandig-
hede.

(b) In afwagting van die eerste verkiesing van raadslede vir enige nuut ingestelde munisipaliteit, mag die Administrateur vir die doeleindes van hierdie Ordonnansie, deur Proklamasie in die *Prowinsiale Koerant*, sulk 'n aantal bekwame en behoorlike persone nomineer en benoem as hy sal uitkies, wat nie minder sal wees as vyf nie nog meer as sewe, om 'n stadsraad te vorm met jurisdiksie oor enige gebied wat kragtens die genoemde Ordonnansie—

(i) vir die eerste maal as 'n nuwe munisipaliteit ingestel is ;

(ii) van 'n munisipaliteit afgeskeie is (waarvan dit oorspronklik deel uitgemaak het) en as 'n afsonderlike munisipaliteit ingestel is.

(c) Iedere sulke genomineerde stadsraad sal alle of enige van die bevoegdhede en magte uitoefen en sal die pligte vervul aan 'n stadsraad toegeken of opgelê deur hierdie Ordonnansie, of kragtens enige ander wet onderwerp aan die verpligtings aan die uitoefening daarvan verbind.

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op begraafplase of tremwege mag, by besluit van die raad, toegepas word op enige begraafplaas of tremweg gevestig kragtens hierdie artikel, en sal by sulke toepassing volle krag en effek hê met betrekking daartoe.

Tremweg-
verordeninge.

176. Die raad mag van tyd tot tyd verordeninge maak, verander en intrek vir alle of enige van die volgende doeleindes:—

(a) Vir die reël van die gebruik van enige tremweë gevestig, verkry, of geëksploiteer deur die raad en die wyse van eksplorasie van sulke tremweë, insluitende laat ry daarop van privaat gehuurde tremwaens en die koste vas te stel in verband met die gebruik van die tremwaens van die raad, mits dat as hy daartoe besluit, die raad sulke koste by besluit van die raad mag vasstel en nie by verordening nie;

(b) afsonderlike tremwaens bestem vir die gebruik, respektiewelik, van blanke persone en naturelle of Asiate of ander kleurlinge en die gebruik beperk van sulke waens tot sulke persone en die gebruik van enige tremwa verbied deur persone wat nie fatsoenlik gekleed is of wat hom nie behoorlik gedra nie;

(c) die diensvoorwaardes en pligte reël van persone in diens van die raad by die eksplorasie van tremweë en boetes oplê (deur inhouding van loon) aan sulke persone weens onagsaamheid, pligsversaking, of ander oortreding, nadelig vir die goeie en behoorlike eksplorasie van die tremwegsisteem;

(d) die van die handsitting reël van onopgevoerde voorwerpe of goedere in die tremgeboue of tremwaens van die raad agtergelaat

Sulke verordeninge mag nie onbestaanbaar of in stryd wees nie met die bepaling van hierdie Ordonnansie of enige ander wet binne die munisipaliteit van krag.

Water.

Spesiale
water-
belasting.

177. Die kapitaalkoste van die voorsiening of aanleg van enige nuwe waterleidings benodig vir die doel water te lewer aan enige grond of eiendom binne die munisipaliteit, wat nie aangesluit is met enige bestaande leidings nie, sal geag word 'n abnormale of buitengewone uitgaaf te wees binne die mening van artikel *seventien* van die Plaaslike Bestuur Belasting Ordonnansie 1912 of enige wysiging daarvan; gemaak ten opsigte van enige bepaalde gebied wat bedien word of bedoel is bedien te word deur enige sulke nuwe waterleiding, hetsy dat hy binne of buite sulke gebied gelê word, en die raad mag, met

173. As te eniger tyd binne die tydperk toegestaan kragtens artikel *honderd een-en-sewentig* vir indiening van kennisgewing van beswaar aan die raad met betrekking tot die aanleg van enige tremweg en tot die spesiale belasting wat voorgestel word ten opsigte daarvan, die eienare van twee derdes van die belasbare eiendom waarop voorgestel word sulke 'n spesiale belasting op te lê (sulke twee-derdes gereken te word deur waarde volgens die waardes op die waarderingstelsel ten tyde van krag dog onderwerp aan die aftrekking genoem in die voorafgaande artikel) 'n petisie aan die raad sal teken en by die stadsklerk laat indien waarin gevra word dat die voorstelle van die raad vir die aanleg van sulke tremweg, en dat die oplegging van spesiale belasting soos vermeld in die advertensie wat daarop betrekking het, heeltemal opgegee moet word, dan sal die raad nie verder daarmee aangaan nie dog die plan sal terstond opgegee word, en die raad sal nie weer kragtens die genoemde artikel stappe neem nie wat die aanleg van sulke tremweg aangaan, tot na verloop van 'n tydperk van ses maande na die datum waarop sulke petisie om van die voorstel af te sien deur die stadsklerk ontvang is.

As eienare van twee-derdes in waarde van eiendom wat aan spesiale belasting blootstaan ten opsigte van voorgestelde tremweg aansoek doen vir opgee van voorstelle van raad, dan mag raad nie daarmee aangaan nie.

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174. As sou blyk dat die bedrag ontvang of ontvang te word aan spesiale belasting opgelê ten opsigte van die kapitaalkoste van aanleg van enige tremlyn (soos omskrywe deur artikel *honderd sewentig*) meer bedra as sulke kapitaalkoste, sal die raad aan die persone wat sulke belasting betaal het, 'n eweredige deel daarvan terugbetaal, of aan persone wat aan betaling daarvan onderhewig is 'n eweredige deel daarvan kwytstel, sodat die totale bedrag ontvang of ontvang te word deur die raad by wyse van sulke spesiale belasting ten naastebly gelyk sal wees aan die kapitaalkoste van aanleg van sulke tremlyn. As sig enige kwessie sou voordoen omtrent die bedrag van enige terugbetaling deur die raad kragtens hierdie artikel verskuldig, dan mag die persoon wat sulke terugbetaling vorder aansoek by die Administrateur doen sulke kwessie op te los, en sy beslissing daarin sal finaal wees.

Oorskryding van spesiale belasting op kapitaalkoste van aanleg van tremweg terugbetaal of kwytgestel te word.

175. Die raad mag, onderwerp aan die goedkeuring van die Administrateur, begraafplase buite die munisipaliteit vestig en onderhou, en tremweë aanleg, onderhou en eksploiteer ten dienste van sulke begraafplase, en hy sal dieselfde bevoegdheid besit verordeninge te maak vir enige sulke begraafplase en tremweg en koste in verband daarmee te maak as hy sou hê as hulle binne die munisipaliteit was, en enige verordeninge wat betrekking het

Bevoegdheid begraafplase te vestig buite die munisipaliteit en tremweë in verband daarmee.

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raad belas sal word kragtens die bevoegdheids van die laasvoorafgaande artikel, en die verhouding (as daar is) in welke voorgestel word dat sulke spesiale belasting dien opgelê te word, en die plek opgee waar 'n tekening van die voorgestelde tremweg en van sulke gebied op alle redelike ure ingesien kan word.

(2) As enige belanghebbend persoon as eienaar, huurder, of bewoner van enige grond, voorgestel spesiaal deur die raad belas te word, beswaar maak teen die aanleg van enige sodanige tremweg, of teen die oplegging van enige spesiale belasting of teen die verhouding in welke voorgestel word die belasting op te lê, of teen die uitsluiting van enige ander eiendom van die grondgebied voorgestel spesiaal belas te word, en skriftelike kennisgewing van sulke beswaar op die raad en die Administrateur dien te eniger tyd binne veertien dae na die laaste publikasie van die advertensie genoem in subartikel (1), dan sal die raad nie geregtig wees nie aan te gaan met die aanleg van enige sulke tremweg sonder die toestemming van die Administrateur, tensy sulke beswaar ingetrek is.

(3) Die Administrateur mag op die applikasie van die raad en nadat behoorlik bewys gelewer is dat die advertensie behoorlik gepubliseer was, 'n persoon of persone benoem om op die plek self 'n ondersoek in te stel na die gepastheid van die voorgestelde onderneming en die beswaar daarteen, en aan die Administrateur te rapporteer oor die sake met betrekking waartoe sulke ondersoek opgedra was, en op ontvangs van sulke rapport, mag die Administrateur 'n order uitvaardig waarby die raad gemagtig word met die aanleg van sulke tremweg aan te gaan op die wyse deur die raad voorgestel, of onderwerp aan sulke voorwaardes en wysigings as hy dienstig mag ag.

Spesiale
tremweg
belasting sal
opgelê word
op waarde
van belasbaar
eiendom
minus aftrek-
king vir
waarde van
geboue.

172. Nieteenstaande enigiets vervat in die Plaaslike Bestuur Belastings Ordonnansie 1912 of enige wysiging daarvan sal die raad, vir die doel van enige spesiale belasting welke hy mag besluit op te lê ten opsigte van die kapitaalkoste van aanleg en enige verlies wat mag ontstaan uit die eksploitasie van enige tremlyn van die waarde van die belasbare eiendom waarop sulke belasting opgelê sal word soas die voorkom op die waarderingslys, sulke deel daarvan aftrek as die waarde van geboue verteenwoordig, en sulke belasting oplê op die waarde van sulke eiendom, onderwerp aan sodanige aftreding as voorsê, in plaas van die volle waarde daarvan.

(b) in verband met enige tremweë deur die raad geëksploiteer, 'n diens instel en onderhou vir die vervoer en aflewering van pakkette binne die munisipaliteit, en koste belas vir sulke diens kragtens sulke verordeninge en op sulke voorwaardes as deur die Administrateur goedgekeur mag word;

mits dat die raad alvorens met die vestiging, verkryging of aanleg van tremweë aan te vang, die toestemming van die Administrateur sal verkry.

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170. Die kapitaalkoste van aanleg soas hierna aangedui, en enig verlies wat mag voortvloei uit die eksplorasie van enige tremlyn buite 'n gebied, wat die Administrateur deur proklamasie in die *Prowinsiale Koerant* mag verklaar en aandui 'n binne tremweggebied te wees, sal geag word abnormale of buitengewone uitgawe te wees, binne die betekenis van artikel *sewentien* van die Plaaslike Bestuur Belasting Ordonnansie 1912 of enige wysiging daarvan gemaak ten opsigte van 'n bepaalde gebied bedien deur sulke tremweg en geleë buite sulke binnegebied; en die raad mag, ten opsigte van sulke kapitaalkoste en verlies op eksplorasie (as daar is) al die bevoegdhede uitoefen deur die genoemde Ordonnansie of wysiging daarvan toegeken. Die voorsegde kapitaalkoste van aanleg sal beteken en insluit die koste van tremlyne, en tremweë, gelykmaak of ophoog van weë waar die lyn moet uitgegrawe of opgehoog word, elektriese verbinding, bogrondse of andere kragaanleg langs sulke lyne, en enige benodigde terreine vir eindpunte en karloodse.

Spesiale
aanslag
vir tremweë
in buite-
distrikte.

171. Die volgende bepalings sal toepaslik wees op die aanleg van enige tremweg ten opsigte waarvan 'n spesiale belasting voorgestel word te hef kragtens die laasvoorafgaande artikel:

Sekere
voorwaardes
wat
voorafgaan
voordat raad
tremweë kan
aanlê.

(1) Die raad sal, alvorens met sulke aanleg 'n begin te maak—

(a) 'n besluit aanneem deur 'n meerderheid van aanwesige raadslede op 'n vergadering van die raad gehou minstens veertien dae nadat kennis sal gegee wees op 'n vergadering van die raad van 'n voorneme die aanleg van sulke tremweg voor te stel;

(b) daeliks in ses uitgawes van elk van twee of meer nuusblade wat in die munisipaliteit sirkuleer 'n advertensie publiseer met 'n korte beskrywing van die tremlyn wat voorgestel word aan te lê, met vermelding van die grondgebied wat spesiaal deur die

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koste van die eenaar van private rirole met publieke rirole, afvoerleidings of pype, en die konstruksie deur die raad te reël op koste van die eenaar van alle huisafvoerleidings, in so ver hulle aansluit met en van die hoofriool tot die grens van die betrokke eiendom loop ;

(b) vir reël van gee van kennis en indiening van tekenings en deursnedes deur persone wat van plan is enig riolerings- of dreineringswerk uit te voer op enige grond of eiendom en die goedkeuring of afkeuring daarvan deur die raad en die verwydering of verandering van enige riolerings- of dreineringswerke waarmee is aangevang of uitgevoer in stryd met enige verordening en vir belas van fooie vir nagaan van sulke tekenings ;

(c) die koste te bepaal wat belas mag word vir die gebruik van die afvoerleidings, rirole en rioleringswerke van die raad ten opsigte van enige eiendom wat daarmee aangesluit is ;

(d) oor die algemeen vir die uitoefening van die bevoegdhede en gesag deur die laasvoorgaande artikel aan die raad toegeken.

Geen sulke bywet sal onbestaanbaar, of in stryd wees met die bepalings van hierdie Ordonnansie of enige ander wet nie binne die munisipaliteit van krag.

DEEL III.—ANDER WERKE.

Tremweë.

Mag om
tremweë te
onderneem.

169. Die Raad mag—

(a) tremweë met of sonder rails binne of buite die grense van die munisipaliteit vestig, verkry, konstrueer, aanlê, uitrus, onderhou en werk, en in verband daarmee koste belas, en mag in verband met enige tremweë buite die grense van die munisipaliteit 'n ooreenkoms aangaan met enige persoon of korporasie vir die vestiging, verkryging, konstruksie, aanleg, uitrusting, werking en waarborg van die kapitaalkoste, en rente op die kapitaalkoste van sulke vestiging, ens., en mag sulke bevoegdhede uitoefen, hetsy alleen of gesamentlik met iemand anders of 'n ander munisipaliteit, persone of korporasies, of outoriteite ;

bedrae sal voorskiet uit gelde, geleen teen 'n rente gelyk aan of hoër as ses persent per jaar, die raad die rente betaalbaar deur die eienaar mag bepaal op 'n voet gelyk aan die rentevoet betaal deur die raad vir die aldus geleende gelde plus 'n ekstra rente van een persent per jaar. Die bedrag van rente betaalbaar in terme hiervan sal deur die raad vasgestel word in 'n ooreenkoms met die eienaar, en sal nie onderhewig wees nie aan enige verandering gedurende die duur van sulke ooreenkoms, nieteentstaande enige latere verandering in die rentevoet welke aan die raad bereken mag word vir gelde deur hom geleen.

(3) Sulke onkoste en voorskotte tesaam met rente daarop sal 'n las wees op die grond of eiendom ten opsigte waarvan hulle aangegaan of gemaak is en sal aan die raad betaal word deur die persoon wat as dan eienaar daarvan is en die paaielemente daarvan sal nagelang hulle verskuldig word van die teenswoordige of enige toekomstige eienaar van die grond of eiendom in enige bevoegde hof invorderbaar wees ;

(4) Die raad sal op die munisipale kantore 'n register aanhou van alle kragtens hierdie artikel gemaakte onkoste en verleende voorskotte, en sal in sulke register die totale bedrae daarvan, die termynne waarin hulle betaalbaar is, die grond of eiendom ten opsigte waarvan hulle gemaak of verleen is, en die saldo's as dan uitstaande, aantoon en sal sulke register op alle redelike tyde vir inspeksie deur enige persoon oop hou, sonder koste daarvoor te hef ; sulke register en enige uittreksel daaruit gesertifiseer deur die stadsklerk of ander persoon deur die raad gemagtig sal in alle gevalle van vervolgings vir die invordering van sulke onkoste, voorskotte of rente daarop of enige betalings-termyne daarvan, prima facie bewys wees van die daarin voorkomende sake.

(5) Niks in hierdie artikel sal die bevoegdheid van die raad beperk of enige invloed hê op die uitoefening van enige werk waartoe die raad, deur wet of kragtens enige verordening in die munisipaliteit van krag, bevoeg is uit te voer of die koste van uitvoering van sulke werk van enige persoon wat daarvoor aanspreeklik is in te vorder.

168. Die raad mag van tyd tot tyd verordeninge maak, verander en intrek vir alle of enige van die volgende doeleindes, naamlik—

Verordeninge vir riolering en dreineringswerke.

(a) Vir reël van riolerings of dreineringswerke en die konstruksie en aansluiting te verplig op

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(c) sonder die skriftelike vergunning van die raad enige opening maak of laat maak in sulke riool, afvoerleiding of pyp, vir die doel rioolstof daarin af te voer of andersins; of
(d) enige sulke rirole, afvoerleidings of pype of enige werke of dinge in verband daarmee beskadig of verniel of laat beskadig of verniel, sal skuldig wees aan 'n oortreding en blootstaan aan 'n boete van hoogstens vyftig pond, en die raad mag enige gebou of bouwerk aldus opgerig, verander, afbreek of op ander wyse daarmee handel na gelang hy dienstig mag ag, enige sulke skade opvul en reg maak, of enige sulke opening in 'n riool, afvoerleiding of pyp sluit, en die onkoste aldus gemaak sal tesaam met sulke boete van die skuldige in enige bevoegde hof invorderbaar wees.

Koste vir gebruik van rirole.

166. Enige koste welke die raad deur verordening mag bepaal vir die gebruik van die afvoerleidings of rirole en rioleringswerke ten opsigte van enige grond of eiendom wat daarmee aangesluit is, sal vir alle doeleindes geag word koste vir gesondheidsdienste te wees, en sal invorderbaar wees van die eienaar van enige grond of eiendom wat aldus aangesluit is ooreenkomstig die bepalinge van artiekels *ag-en-veertig* en *neën-en-veertig*.

Bevoegdheid rioleringswerke te verrig op private grond of eiendom of daarvoor voorskotte te verleen.

167. (1) Die raad mag na diskresie—

(a) enige werk in verband met die aanleg of verbetering van 'n dreinerings- of rioleringsstelsel op enige grond of eiendom uitvoer deur sy eie bediendes of deur kontraktors, en die aansluiting van sulke grond of eiendom met die afvoerleidings of rirole van die raad, en van die eienaar van sulke grond of eiendom die onkoste invorder gemaak vir sulke werk, insluitende 'n redelike bedrag vir toesig, en, as die werk deur die raad onderneem word sonder tussenkoms van 'n kontrakter, mag die koste insluit vir die gebruik van gereedskappe en werktuie; of
(b) aan die eienaar van enige grond of eiendom die bedrag van enige onkoste voorskiet deur hom gemaak of gemaak te word vir die uitvoering van enige sulke dreinerings- of rioleringswerk op sulke grond of eiendom.

(2) Die raad mag ooreenkom betaling van sulke onkoste en terugbetaling van sulke voorskotte in sulke paaiemente aan te neem, op sulke tye en op sulke voorwaardes as die raad billik mag voorkom, tesaam met rente daarop teen ses persent per jaar (wat sal belas word van die datum waarop die werke voltooi of die voorskotte gemaak is) op sulke bedrag as dan uitstaande is; mits dat, waar die raad enige

162. Die raad sal minstens dertig dae alvorens buite die munisipaliteit aan te vang met die konstruksie of 'n uitbreiding van enige riool of enige ander werk vir riolerings-doeleindes, kennis gee van die voorgename werk deur 'n advertensie in een of meer plaaslike nuusblade wat sirkuleer in die gebied waarin die werk verrig sal word of as daar geen sulke nuusblad bestaan nie, dan in een of meer nuusblade wat in die munisipaliteit sirkuleer. Sulke kennisgewing sal die aard van die voorgename werk beskryf en sal die voorgestelde eindpunte daarvan vermeld, en besonderhede van die weë, strate, pleine, ope ruimtes en ander grond (as daar is) waardeur, waaroor, waaronder of waarop die werk verrig sal word, en sal 'n plek noem waar 'n tekening van die voorgestelde werk op alle redelike ure ingesien kan word; 'n kopie van sulke kennisgewing sal gedien word op die eienare of veronderstelde eienare, huurders of veronderstelde huurders en bewoners van die grond en op die plaaslike outoriteit (as daar een is) wat die sorg het oor sulke weë, strate, pleine of ope ruimtes.

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voor aanvang **van 1926.**
 met enige
 riolerings-
 werke buite
 munisipale
 grense.

163. As enige sulke eienaar, huurder of bewoner, of enige sulke plaaslike outoriteit, of enige ander persoon wat gemoei sou wees met die voorgename werk, teen sulke werk beswaar maak en 'n skriftelike kennisgewing van beswaar by die Administrateur en by die stadsklerk indien te eniger tyd binne die genoemde tydperk van dertig dae, dan sal met die voorgename werk nie aangevang word nie sonder die toestemming van die Administrateur, tensy sulke beswaar teruggetrek word.

Kennisgewing
van beswaar
deur
eienaar.

164. Die Administrateur mag enige persoon of persone benoem om op die plek self 'n ondersoek in te stel na die gepastheid van die voorgename werk en die besware daarteen, en aan hom oor die saak te rapporteer, en op ontvangs van die rapport van sulke persoon of persone, mag die Administrateur 'n order uitvaardig, die voorgestelde werk nie toe te staan nie of dit toe te staan met sulke wysiginge (as daar is) as hy nodig mag ag.

Ondersoek
deur
Administra-
teur en aksie
daarop.

165. Enige persoon wat sonder die voorafgaande skriftelike toestemming van die raad—

Oortredings
en strawwe.

(a) enige gebou of ander bouwerk sal of laat oprig oor enige riool, afvoerleiding, of pyp behorende aan of gemaak met die magtiging van die raad; of

(b) die grond onder of naby enige sulke riool, afvoerleiding, of pyp uitgraaf, oopmaak of verwyder of laat uitgraaf, oopmaak of verwyder; of

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onderwerp aan die bepalings van subartikel (b) van hierdie artikel aansluitings maak met en gebruik maak van enige private riool op private grond ten einde sulke eiendom aan te sluit met enige publieke riool; mits dat by sulke aansluiting die genoemde riool waarmee 'n aansluiting aldus gemaak is, van die punt van sulke aansluiting met die publieke riool, aangemerkt en gebruik sal word as 'n gesamentlike of onderlinge riool, en die koste van konstruksie, reparasie en onderhoud van sulke gesamentlike of onderlinge riool sal vir sover as die nie deur die raad gedra moet word nie, betaal en gedra word deur die eienare van eiendom wat daarmee gedien word, in sulke verhouding as die raad van tyd tot tyd sal vereffen en reël.

Riole aan raad te behoer en reg van toegang daartoe.

160. Alle riole, afvoerleidings, pype, lugkokers, of ander gemakke vir die afvoer van rioolstof, vervaardig deur of wat onder die kontrôle staan van die raad, sal aan die raad behoer, en die raad of enige ander persone behoorlik deur die raad gemagtig, sal op alle tye 'n reg van toegang hê tot private eiendom vir die doel van inspektie, onderhoud, verandering of reparasie van sulke riole, pype, kokers en ander gemakke, en mag alle dinge doen nodig om sulke riole, afvoerleidings, pype, lugkokers of ander gemakke oop te maak en bloot te lê vir die doel van sulke inspeksie, onderhoud, verandering of reparasie, mits dat die raad alle skade sal repareer veroorsaak deur sulke toegang en inspeksie.

Uitvalplase.

161. Die raad mag enige uitvalplaas of rioolstof-deponeringswerke gevestig by die aanvang van hierdie Ordonnansie, waarvan die vestiging toegestaan was deur 'n order gemaak kragtens artikel *dertig* van die Munisipaliteit Bevoegdhe tot Onteiening Ordonnansie 1903, onderhou en bewerk, en mag met die toestemming van die Administrateur sulke uitvalplase of rioolstof-deponeringswerke vestig, onderhou en bewerk binne, of onderwerp aan die bepalings van artikels *honderd twee-en-sestig*, *honderd drie-en-sestig* en *honderd vier-en-sestig*, buite die munisipaliteit, as nodig of raadsaam mag wees vir die vereistes van die munisipaliteit en mag òf enige gronde verhuur gebruik as 'n uitvalplaas aan huurders òf die plase bewerk en die produkte daarvan van die hand sit, en nog die raad nog enige ander persoon sal aanspreeklik wees vir enige oorlas of skade wat die onvermydelike gevolg is van die behoorlike en gewone beheer van enige uitvalplaas of riolerings-deponeringswerke gevestig, onderhou of bewerk kragtens die bepalings van hierdie artikel.

159. Vir die doel enige dreinerings of rioleringswerke uit te voer mag die raad—

(a) sulke riole, afvoerleidings en pype laat maak, lê, verander, dieper maak, oordek en onderhou, hetsy binne of (onderwerp aan die bepalings van artiekels *honderd twee-en-sestig*, *honderd drie-en-sestig* en *honderd vier-en-sestig*) buite die munisipaliteit as nodig mag wees vir die doelmatige afvoer van die rioolstof van of dreinerings van die munisipaliteit of enige gedeelte daarvan, en van tyd tot tyd alle sulke reservoirs, sluise, toestelle, lugkokers, en ander werke laat maak en onderhou as mag nodig wees vir die reiniging en ventilasie van sulke riole, afvoerleidings en pype;

(b) sulke riole, afvoerleidings of pype laat lê deur, oor, of onder enige publieke weg, straat, plein, of ope ruimte of enige plek uitgelê as of bestem vir 'n publieke weg, straat, plein of ope ruimte hetsy binne of buite die munisipaliteit, sonder vergoeding te betaal en na redelike skriftelike kennis gegee te hê aan die eienaar of bewoner van sy voorneme, dieselfde handeling te verrig ten opsigte van enige grond binne, of (onderwerp aan die bepalings van die genoemde artiekels) buite die munisipaliteit teen vergoeding vir enige skade veroorsaak, waarvan die bedrag, indien nie onderling ooreengekom nie, bepaal sal word deur arbitrasie op die wyse soas bepaal deur die Munisipaliteite Bevoegdhede tot Onteiening Ordonnansie 1903 of enige wysiging daarvan, mits dat, by die vasstelling van enige vergoeding betaalbaar deur die raad hieronder, die bestaan van enige sanitêre deurgang deur of waaroor die raad 'n reg van toegang het tot enige private grond of gebou vir die doel van sanitêre diens en welke reg die raad bereid mag wees af te staan, in aanmerking geneem sal word;

(c) van tyd tot tyd enige riole, afvoerleidings of pype onder die kontrôle van die raad verander, vergroot, verlê, stop set, afsluit, of vernietig;

(d) binne, of (onderwerp aan die bepalings van die genoemde artiekels) buite die munisipaliteit enige werke aanlê vir die doel van opvang, bewaar, onstmet, suiwer, afvoer of op ander wyse enige rioolstof of dreineerstof wegruim;

(e) in enige geval waar weens die ligging van die grond of om ander redes, dit moeilik is enige eiendom binne die munisipaliteit direk aan te sluit vir riolerings doeleindes met 'n publieke riool deur die raad onderhou, mag die raad,

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angaande
die aanleg
van riolerings
en dreinerings-
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varke, ook die kop, as die raad mag voorskryf, of van 'n sertifikaat van 'n geneeskundige of veearts dat sulke karkas of vleis en die ingewande wat daartoe behoort behoorlik geïnspekteer was ten tyde van slag en vry van siekte bevind was ; die inbrenging in die munisipaliteit te verbied van enig onbevrore karkas (ander as wild) of onbevrore slagtersvleis van diere geslag buite die munisipaliteit, tensy sulke diere geslag was op 'n plek goedgekeur deur die raad of 'n komitee daarvan ; die voorwaardes voor te skryf waarop sulke goedkeurig verleen of ingetrek mag word en die duur daarvan te beperk ; mits dat hierdie en die voorafgaande subartikkel nie toepaslik sal wees nie op vleis of geslagte diere wat in die munisipaliteit gebring of ingevoer mag word deur enige persoon of die bediende van enige persoon vir gebruik deur sulke persoon of sy huisgesin ;

(13) (a) die aanleg te reël deur enige eienaar van grond op sy koste van 'n voetpad langs die kant van enige straat wat aan sy grond grens, en die bestrating van sulke voetpad met betonblokke of vlakke of ander klipplate, of op enige andere wyse en die konstruksie en bestrating deur die raad op koste van sulke eienaar van sulke voetpad te reël ;

(b) die koste te bepaal wat belas mag word vir die konstruksie en bestrating deur die raad van enige sulke voetpad ; enige aldus bepaalde koste sal vir alle doeleindes geag word koste te wees vir dienste deur die raad en sal as sodanig invorderbaar wees ;

(14) vir die verskaffing van toestelle vir luisteraars en die foie voor te skryf daarvoor betaalbaar en die voorwaardes waarop sulke toestelle gebruik sal word.

Geen sodanige verordening sal onbestaanbaar of in stryd wees nie met die bepalinge van hierdie Ordonnansie of enige ander wet binne die munisipaliteit van krag.

DEEL II.—RIOLERINGS EN DREINERINGSWERKE.

Bevoegdheid
riolerings en
dreinerings-
werke te
onderneem.

158. Die raad mag riolerings en dreineringswerke binne en buite die munisipaliteit maak, vervaardig, uitrus en uitvoer ; mits dat die raad nie met die aanleg of konstruksie van rioleringswerke sal aangevang nie sonder die toestemming van die Administrateur.

slordige of onvakkundige wyse verrig het tot nadeel van enige persoon of eiendom of in stryd met enige van die verordeninge van die raad ; mits dat voor sulke intrekking die persoon wie se lisensie ingetrek sal word, 'n kans gegee sal word om voor 'n komitee van die raad te verskyn en in sy eie verdediging gehoor te word ;

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(9) vir die verlening van lisensies aan elektrisiëns (dog sonder daarvoor enige fooi te belas), waarby hulle gemagtig word elektriese draad-aanlegwerk te verrig vir die installasie, verandering of reparasie van enige sisteem van draadaanleg aangesluit of bestem aangesluit te word met enige munisipale werk vir die lewering of aanvoer van krag, vir reël van sulke elektrisiëns en die uitvoering te verbied van enige sulke werk deur enige ongelisiseerde persoon ; mits dat die bepalings van paragrafe (a) en (b) van subartikkel (8) *mutatis mutandis* toepaslik sal wees op sulke lisensies ;

(10) onderwerp aan die bepalings van Wet No. 22 van 1925 vir lisensieer, kontroleer, inspekteer, toesig hou oor en reël van plekke gebruik vir die doel van publieke verkoop of vir publieke verkoop vertoon van enige vee, perde, skape, bokke, varkens, gevoëlte, of andere lewende hawe ; vir lisensieer van persone sulke verkopings te hou op munisipale markte of op plekke anders as munisipale markte en die deposito van sekerheidstelling deur 'n applikant vir sulke lisensie te verlang ;

(11) die onderwerping aan die goedkeuring van die raad te verplig en te reël van alle vleis van geslagte diere bestem vir menslike voedsel, wat in die munisipale gebied gebring of ingevoer mag word deur die eienare of geadresseerdes daarvan, en op hulle koste, opdat sulke vleis of geslagte diere deur die raad kan gekeur of goedgekeur word, brandmerk of stempel te reël van sulke vleis of geslagte diere en die fooie wat daarvoor belas sal word, en om die verkoop of gebruik te belet van sulke vleis of geslagte diere bestem vir menslike voedsel, totdat dit deur die raad geïnspekteer en goedgekeur is ;

(12) die inbrenging in die munisipaliteit te verbied van enige karkas, ander as wild, of van enige slagtersvleis geslag buite die munisipaliteit, behalwe wanneer vergesel van sulke nieverwyderde ingewande en in die geval van

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getree is binne die munisipaliteit, vir minstens twee jaar in *bona fide* praktyk as 'n verloskundige was en dat sy ter goeder naam bekend staan, geregtig sal wees met die praktyk in die munisipaliteit voort te gaan ;

(6) die gebruik te reël en te kontroleer van publieke bade, washuise en wasserye gevestig deur die raad en die afsonderlike gebruik te bepaal en te beperk van sulke inrigtings respektiewelik deur blanke persone of deur naturelle of Asiate of ander klasse van persone ;

(7) die opmaking deur die raad te reël van enige sensus van die inwoners van die munisipaliteit, die pligte vas te stel van sensus amptenare deur die raad benoem, die verstrekking van informasie te verplig vir die doeleindes van sulke sensus, en die openbaarmaking van sulke informasie te verbied ;

(8) vir die verlening aan loodgieters en rioleleggers van lisensies (dog sonder daarvoor 'n fooi te belas) hulle magtigende die werk te verrig van—

(a) loodgieters of rioolaanleg vir die installasie, verandering of reparasie van enige rioleringsstelsel aangesluit of bestem om aangesluit te word met enige munisipale riool, en/of

(b) rioollegging of rioleringswerk (ander as stormwater-riolering) vir afvoer van was- of vuilwater ;

vir reël van sulke loodgieters en rioolleggers, en die uitvoering te verbied van enige sulke werk deur enige ongelisensieerde persoon ; mits dat—

(c) die raad mag weier 'n lisensie toe te staan aan enige persoon om enige sulke loodgieters- of rioolleggerswerk te verrig op die volgende grond buiten en behalwe die gronde genoem in artikel *een-en-neëntig*, naamlik, dat die applikant nie bekwaam is nie loodgieters- of rioolleggerswerk op 'n behoorlike en vak-kundige wyse uit te voer ; mits dat die weiering van die raad 'n lisensie te verleen op die hierin genoemde grond, onderwerp sal wees aan dieselfde beroep as in genoemde artikel bepaal ;

(d) die raad mag verder enige sulke lisensie verleen aan enige loodgieter of rioollegger, intrek, as hy oortuig is dat hy enige sulke loodgieterswerk of rioolleggerswerk op 'n

mag word, skadeloos te stel; mits dat die raad bevoeg sal wees diere af te wys of weier hulle te verseker wat ingebring is van enige gebied of plaas wat bekend staan besmet te wees of ingebring of ingestuur te wees deur enige persoon van wie bekend is dat hy handel dryf in besmette of sieke diere;

(b) vir die doel van hierdie subartikel vorder dat eienare van diere wat na die munisipale slaghuis gebring is bydra tot sulke fonds of fondse na gelang van die skaal van bydrae van tyd tot tyd van krag, en die raad is hierby gemagtig sulke skaal van bydrae te maak, te verander, te wysig en in te trek na gelang hy mag bepaal; en

(c) alle sodanige stappe te neem as hy mag nodig of wenslik ag vir die doel volle en algehele uitvoering te gee aan die bepalings van hierdie subartikel, insluitende die bevoegdheid voorskrifte of regulasies te maak, te verander, te wysig en in te trek aangaande die kontrôle oor sulke fonds of fondse;

(15) vliegmasjienparke vestig, oprig, bou, onderhou en beheer;

(16) draadlose uitsaaistasies vestig, oprig, bou, onderhou en beheer en kontrakte aangaan vir die huur van toestelle en vir luisteraars.

157. Die raad mag van tyd tot tyd verordeninge maak, verander en intrek vir alle of enige van die volgende doeleindes, naamlik—

(1) vir onderhou en reël van enige diens van motoromnibusse of ander voertuie, getrek of voortbeweeg deur dierlike, meganiese of elektriese krag, wat deur die raad ingestel mag word;

(2) vir reël van die fabrikasie van gemakalieë;

(3) vir reël van barbiers en kappers en barbiers- en kapperswinkels;

(4) vir verlening van lisensies (dog sonder daarvoor enige fooi te belas) aan private hospitale en verpleeginrigtings en vir reël van sulke hospitale en verpleeginrigtings;

(5) vir reël en toesig hou op die praktyk van verloskundiges en die praktyk van verloskunde te verbied deur persone anders as geregistreeerde verloskundiges; mits dat enige persoon wat die raad bewys dat sy, op die datum waarop 'n verordening gemaak was kragtens hierdie subartikel, waarby die praktyk van verloskunde verbied was aan persone anders as geregistreeerde verloskundiges, vir die eerste maal in werking

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verordening
bevoegdhede
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klippe of op sulke ander wyse of vorm en van sulke breedte as die raad dienstig mag ag, hetsy deur sy eie bediendes of deur kontraktors, en van sulke eienaar die onkoste van sulke werk terug vorder, met inbegrip van 'n redelike bedrag vir toesig, en as die werk deur die raad onderneem word sonder tussenkoms van 'n kontrakter, die koste invorder vir die gebruik van gereedskappe en werktuie ;

(b) aan die eienaar van enige grond of eiendom die bedrag voorskiet van enige onkoste deur hom gemaak of gemaak te word vir die konstruksie of bestrating van enige sulke voetpad op of ten opsigte van sulke grond of eiendom ;

(c) die bepalings van subartiekels (2) tot (5) van artikel *honderd sewen-en-estig* van hierdie Ordonnansie sal toepaslik wees op enige voetpaaie gemaak deur die raad of deur die eienaar van enige grond of eiendom kragtens hierdie subartikel ;

(11) die aantreklikhede en voordele van die munisipaliteit en distrik adverteer en daaraan publisiteit gee ;

(12) die loop van enige stroom, spruit, of waterloop binne die munisipaliteit verlê, reg maak, aandui en kanaliseer na kennis te gee en vergoeding toe te ken aan enige eienaar of bewoner van grond of enige regte of servitude verbind aan grond wat grens aan sulke loop soas bestaande en soas voorgestel op die wyse bepaal deur Deel II van die Munisipaliteite Bevoegdhede tot Onteining Ordonnansie 1903 ; mits dat by die vereffening van enige vergoeding hieronder deur die raad betaalbaar, die verhoogde of verbeterde waarde onmiddellik of toekomstig wat sulke grond sal verkry deur die uitvoering van die genoemde doeleindes of enige daarvan, in aanmerking geneem sal word ;

(13) instellings of klinieke vir die sorg en welvaart van pasgebore kinders vestig, oprig, bou, onderhou en aanhou en voorsiening maak vir doelmatige onderrig gegee te word aan aanstaande moeders en moeders van sulke kinders en in verband daarmee koste hef ;

(14) (a) 'n fonds of fondse stig, onderhou, ondersteun, bevorder en aanhou en indien wenselik of noodsaaklik geag daartoe bydra, vir die doel eienare van karkasse of van gedeeltes van karkasse afgekeur in die munisipale slaghuus vir sulke siektes as deur die raad omskrywe

(4) (a) koelkamerwerke, depots vir die keuring van melk en geslagte vleis en melk-proefstasies vestig, verkry, oprig, uitrus en aanhou en in verband daarmee koste belas;

(b) ys maak en verkoop;

(5) vestig, verkry, instel, onderhou en aanhou binne die munisipaliteit 'n diens van motor-omnibusse of ander voertuie getrek of voortbeweeg deur dierlike, meganiese of elektriese krag vir die vervoer van passasiers en pakkette, en koste te hef vir of in verband met sulke diens, en in verband met enige sulke diens ooreenkomste aangaan met enig persoon of korporasie vir die vestiging, verkryging, konstruksie, aanleg, uitrusting, onderhoud, eksploiteer van en waarborg stel vir die kapitaalkoste en rente op die kapitaalkoste van sulke instelling, ens., en mag sulke bevoegdheid uitoefen, hetsy alleen of tesaam met 'n ander of meerdere munisipaliteite, persone, korporasies of outoriteite; mits dat hierdie subartikel nie toepaslik sal wees op tremweë nie; en mits verder dat enige raad die bevoegdhede mag uitoefen deur hierdie subartikel toegeken in enige gebied buite die munisipaliteit met die toestemming van die plaaslike outoriteit, as daar een is, van sulke gebied, of as daar geen plaaslike outoriteit in sulke gebied bestaan nie, dan met die toestemming van die Administrateur;

(6) 'n Sensus hou van die inwoners van die munisipaliteit en hydra in die koste van enige sulke sensus wanneer opgemaak deur enige ander outoriteit;

(7) enige kontrak of kontrakte aangaan met enige stadsraad, dorpsraad, gesondheidskomitee, of met enige korporasie of maatskappy, persoon of persone, tot verkryging of verdere uitvoering buite die munisipaliteit van enige werk of onderneming wat val binne die bevoegdhede van die raad;

(8) wasserye vestig, verkry, oprig, konstrueer, uitrus, onderhou en dryf en in verband daarmee koste hef;

(9) stoom-ontsmettingstasies vestig, oprig, konstrueer, onderhou en dryf;

(10) (a) op versoek van die eienaar van enige grond of eiendom geleë binne die grense van die munisipaliteit, 'n voetpad langs die kant van enige straat wat grens aan die grond of eiendom van sulke eienaar maak en bestraat met betonblokke of vlak gekapte of ander

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deur artikel *neën-en-vyftig* aan die ouditeur of ouditeurs deur die Administrateur benoem en sal, behalwe die gewone pligte van ouditeurs, minstens eenmaal in elk jaar sertifiseer of al dan nie—

(a) die rekenings van die munisipaliteit in orde is ;

(b) afsonderlike rekenings van alle handels-ondernemings aangehou is ;

(c) die uitgemaakte rekenings 'n waar en suiwer oorsig gee van die finansiële posisie van die munisipaliteit, en van sy transaksies, en die resultate van handeldrywe (indien enige) ;

(d) behoorlike voorsiening gemaak is vir die delging en afbetaling van enige gelde deur die raad geleen, hetsy in die vorm van munisipale effektewissels of andersins ;

(e) die waarde van die bate van die munisipaliteit billik opgegee is ;

(f) die bedrae afgesonder vir waardevermindering en veroudering van werktuie, ens., voldoende is ;

(g) of aan al sy of hulle vereistes en aanbevelings as ouditeurs voldoen is en uitvoering gegee.

(3) Met uitsondering van die rade van die munisipaliteite Germiston, Johannesburg en Pretoria, sal geen raad die bevoegdheid uitoefen nie verleen deur of op die munisipaliteit die bepalings toepas van hierdie artikel totdat 'n petisie geteken deur minstens twee-derdes van die raadslede die Administrateur aangebied is waarin gevra word om verlof die bevoegdheid uit te oefen of die bepalings toe te pas, en totdat die Administrateur deur proklamasie in die *Provinciale Koerant* sulke bevoegdheid verleen en die genoemde bepalings op sulke raad toepaslik gemaak het.

Ander
spesiale
bevoegdhede
vir stads-
rade.

156. Die raad mag enige van die volgende dinge doen, naamlik—

(1) hospitale oprig, vestig, bou, uitrus, en onderhou, hetsy binne of buite die munisipaliteit, hetsy permanent of tydelik, vir die opname van pasjente wat lydende is aan besmetlike siektes, koste belas vir behandeling in sulke hospitale, en voorsien in kostelose behandeling van behoeftige pasjente wat inwoners van sulke munisipaliteit is ;

(2) 'n kunsgallery vestig, onderhou en aanhou, en kunswerke verkry vir bewaring daarin ;

(3) publieke monumente oprig en onderhou of toelae in geld verleen vir die vestiging en onderhoud daarvan ;

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SPESIALE BEVOEGDHEDE VAN STADSRADE.

DEEL I.—SEKERE SPESIALE BEPALINGS.

154. Behalwe soas anders bepaal is in subartikel (3) van artikel *honderd vyf-en vyftig*, sal die bepalinge van hierdie hoofstuk en enige wysiginge daarvan hierby toegeken wees en word aan iedere stadsraad ingestel of hierna ingestel kragtens hierdie Ordonnansie.

Toepassing
van
hoofstuk.

155. (1) Buiten en behalwe die ouditeur of ouditeurs deur die Administrateur benoem mag die raad na 'n besluit daartoe behoorlik aangeneem ooreenkommende 'n ouditeur te benoem, 'n ouditeur of ouditeurs benoem; mits dat aan die volgende bepalinge voldaan word:—

Addisionele
ouditeurs
mag deur
raad benoem
word.

(a) Voordat enige benoeming hieronder gemaak of vernuut word, sal die voornoemde besluit minstens eenmaal per week vir drie agtereenvolgende weke gepubliseer word in die *Provinciale Koerant* en in een of meer nuusblade wat in die munisipaliteit sirkuleer;

(b) enig raadslid mag, voor 'n datum deur die raad vasgestel te word, een of meer behoorlik gekwalifiseerde persone nomineer om op te tree as ouditeur of ouditeurs van die rekenings van die munisipaliteit;

(c) iedere nominasie sal verwys word na 'n komitee wat uit minstens vyf raadslede bestaan, en die raad sal nie minder as veertien dae na die aldus vasgestelde datum nie, oorgaan tot die verkiesing by stemming van een of meer persone uit die genomineerde persone, of in die geval dat daar geen nominasies bestaan nie, een of meer behoorlik gekwalifiseerde ouditeurs.

Die verkiesing van sulke ouditeur of ouditeurs sal wees vir 'n tydperk van drie jare, en die raad sal ten tyde van sy of hulle verkiesing die besoldiging vasstel aan hom of hulle betaal te word en sulke bedrag sal nie verander word nie gedurende sy of hulle ampstydperk. Die aldus benoemde ouditeur of ouditeurs sal nie uit hulle amp gesit word nie voor afloop van sy of hulle termyn van benoeming as voorsê, sonder die toestemming van die Administrateur.

(2) Die ouditeur of ouditeurs benoem soas bepaal in hierdie artikel, sal alle bevoegdhede besit toegeken

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—
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gedeelte daarvan, mag die Administrateur deur proklamasie in die *Prowinsiale Koerant* verklaar dat vir die doel van oplegging en invordering van sulke belasting of heffing die genoemde gebied, vir sulke doeleindes alleen, geag word te staan onder die jurisdiksie van sulke raad, en dat alle bepalinge van hierdie Ordonnansie en van die Plaaslike Bestuur Belastings Ordonnansie 1912 en enig wysiging daarvan wat binne die munisipaliteit toepaslik is of mag word vir sulke doeleindes, toepaslik sal wees binne die genoemde jurisdiksiegebied van 'n gesondheidskomitee of gedeelte daarvan; mits dat die Administrateur die bevoegdhede van hierdie artikel nie sal uitoefen nie behalwe op die volgende voorwaardes:—

(a) Dat die genoemde komitee op ieder sulke eienaar 'n skriftelike kennisgewing sal geding het inhoudende volledige besonderhede van die voorgestelde ooreenkoms, die aard van die diens wat voorgestel word aan hom te verleen, en die benaderde bedrag van die belasting, heffing of koste en die tydperk waarvoor hulle heffing sal word deur sulke raad as uitvoering gegee word aan die genoemde ooreenkoms;

(b) dat minstens twee-derdes van sulke eienare binne ag weke van die datum van diening van sulke kennisgewing gesaamlik die Administrateur sal versoek het sulke bevoegdhede uit te oefen.

(4) Enige eienaar waarop sulke kennisgewing sal geding wees, mag by die Administrateur skriftelik beswaar indien teen die uitoefening deur die Administrateur van sulke bevoegdhede, en die Administrateur sal daarop sulke stappe neem as hom mag nodig voorkom enige sulke beswaar te ondersoek.

(5) Na behoorlik ondersoek in enige beswaar gemaak kragtens die bepaling van die laasvoorgaande subartikel mag die Administrateur die bevoegdhede van hierdie artikel uitoefen, en sulke veranderinge in die toepassing op enige bepaald gebied van die voorgestelde ooreenkoms maak as hy dienstig mag ag, of weier sulke bevoegdheid uit te oefen; mits dat die Administrateur sulke bevoegdhede nie sal uitoefen nie tensy die toestemming van twee-derdes van sulke eienare verkry is tot die voorgestelde ooreenkoms op die wyse soas hierin bepaal.

bevestig by Eerste Volksraad Besluit Artikel 1256, dato 18 September 1899, of van hierdie Ordonnansie ;

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(c) alle belastings gehef deur die komitee kragtens die bepalings van die Plaaslike Bestuur Belastings Ordonnansie 1912 en enige wijsiging daarvan ;

(d) alle ander foie, gelde of koste invorderbaar deur die komitee of waarop die komitee geregtig is kragtens hierdie Ordonnansie of kragtens enige ander wet.

152. 'n Gesondheidskomitee mag—

Lenings-
bevoegdhede.

(1) voorskotte verkry van enige bank by wyse van oortrekking tot sulke bedrae en op sulke voorwaardes as die Administrateur mag goedkeur ;

(2) van tyd tot tyd lenings aangaan tot sulke bedrae en op sulke voorwaardes as deur die Administrateur goedgekeur mag word. Die sekuriteit vir enige lening aangegaan deur 'n gesondheidskomitee kragtens hierdie artikel, sal die sekuriteit wees genoem in artikel *een-en-vyftig* vir lenings aangegaan deur munisipale raade, en vir die doel van invordering van enige sulke lening of paaiemente daarvan of rente daarop, sal die bepalings van sulke artikel *mutatis mutandis* toepaslik wees.

153. (1) 'n Gesondheidskomitee mag, met die toestemming van die Administrateur, 'n ooreenkoms aangaan met enige naburige stads- of dorpsraad vir die verrigting deur sulke raad van enige diens of werk binne die jurisdiksiegebied en vir die gebruik en nut van die bewoners van die gebied of gedeelte van die gebied onder die jurisdiksie van die gesondheidskomitee, wat die genoemde raad bevoeg is of bevoeg mag verklaar word onder en kragtens die bepalings van hierdie Ordonnansie te onderneem, binne die gebied van sy eie jurisdiksie.

Stads- of
dorpsraad
mag dienste
of werke
verrig vir
gesondheids-
komitees.

(2) Nieteenstaande enigiets in hierdie Ordonnansie of enige ander wet vervat, mag enige sulke raad, mits dat die toestemming van die Administrateur verkry word as voorsê, sulke ooreenkoms met 'n naburig gesondheidskomitee aangaan.

(3) Waar enige ooreenkoms gemaak en goedgekeur as voorsê met sig bring dat enige spesiale belasting of heffing opgelê word op eienare van eiendom binne die jurisdiksiegebied van 'n gesondheidskomitee of

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(e) magtiging te verleen aan die komitee met die toestemming van die Administrateur tot vrywillige aankoop van enige grond, reg van weg, waterreg, of enige ander eiendom of servituut binne of buite sy jurisdiksieggebied wat vir sy doeleindes nodig mag wees, mits dat, behalwe in die geval van 'n komitee wat kragtens subseksie (3) van artikel *eeenhonderd ses-en-veertig* verklaar is 'n gemeente te wees, enige eiendom of servituut hieronder aangekoop geregistreer sal word op naam van die Goewerment van die Unie van Suidafrika ;

(2) Die bepalings van artikels *ses-en-dertig, veertig, neën-en-veertig, vyf-en-vyftig, ses-en-vyftig, ag-en-vyftig, neën-en-vyftig, sestig, ag-en-sestig, sewentig, een-en-sewentig, twee-en-sewentig* en *drie-en-sewentig* van hierdie Ordonnansie sal *mutatis mutandis* toepaslik wees op iedere gesondheidskomitee ingestel kragtens hierdie Ordonnansie as of sulke komitee 'n raad van 'n munisipaliteit en die gebied waarvoor dit was ingestel 'n munisipaliteit was.

(3) Die bepalings van artikels *honderd en ses* tot en met *honderd en veertien* hiervan sal *mutatis mutandis* toepaslik wees op die regulasies voornoemd as of sulke regulasies verordeninge was, sulke komitees rade van munisipaliteite was, en die gebiede waarvoor hulle benoem was, munisipaliteite was.

(4) (a) Kopieë van die *Prowinsiale Koerant* bevatende regulasies en wysiginge daarvan hieronder gemaak sal op alle redelike tyde op die kantore van die komitee ter insage wees.

(b) Die sekretaris of klerk van die komitee sal verplig wees op aanvraag en teen betaling van sulke som as deur die komitee bepaal mag word (van hoogstens drie pennies vir iedere honderd woorde voorkomende in sulke regulasie of tien sielings in totaal) enige persoon te voorsien van 'n kopie van iedere sulke regulasie of wysiging.

Hoe gesondheidskomitee moet vervolg en vervolg moet word.

150. By enig geregsdeding wat mag ingestel word deur of teen sodanig komitee, sal dit voldoende wees sulke komitee aan te dui as die "..... gesondheidskomitee" sonder die name te noem van enige van die lede van sulke komitee.

Inkomste van gesondheidskomitees.

151. Die inkomste van die gesondheidskomitees sal bestaan uit—

(a) alle fooie, koste, belastings en heffings onder die regulasies, gemaak deur die Administrateur ;
(b) alle boetes opgelê deur 'n bevoegde hof en verbeurd verklaarde borggelde vir oortreding van sulke regulasies, of die regulasies vir stede

148. Die Administrateur mag, deur proklamasie in die *Prowinsiale Koerant* verklaar dat die wyse van verkiesing van 'n gesondheidskomitee en die kwalifikasies as kiesers vir die verkiesing van sy lede sal wees soos bepaal in hierdie Ordonnansie vir die verkiesing van dorpsrade en die kwalifikasies as kiesers vir verkiesings van dorpsrade, of die Administrateur mag na eie diskresie enige ander wyse van verkiesing en kwalifikasie van kiesers voorskryf.

Sekere bepalings van hierdie Ordonnansie mag toepaslik gemaak word op gesondheidskomitees.

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149. (1) Die Administrateur mag van tyd tot tyd regulasies maak, verander en intrek vir enige gesondheidskomitee en vir die gebied waarvoor sulke komitee ingestel is ten opsigte van die volgende sake, naamlik—

Regulasies.

(a) vir toepaslik maak op die jurisdiksiegebied van die komitee *mutatis mutandis* die bepalings van artikels *een-en-tagtig*, *twee-en-tagtig*, en Deel I van Hoofstuk VII van hierdie Ordonnansie vir toekenning aan die komitee enige of alle van die bevoegdhede genoem in subartikels (1), (2), (3), (4), (5), (7), (14), (15), (16), (17), (26), (27), (32), (36), en (40) van artikel *neen-en-sewentig* en vir alle of enige van die doeleindes genoem in artikel *tagtig* van hierdie Ordonnansie ;

(b) vir oplegging aan die lede van die komitee van enige of alle van die pligte, verpligtings en aanspreeklikhede kragtens hierdie Ordonnansie opgelê aan raadslede van 'n munisipaliteit ;

(c) vir reëling van die benoeming, pligte en voorregte van die amptenare en bediendes van die komitee ;

(d) vir reëling van die geldmiddele van die komitee en vir vordering van betaling deur die komitee—

(i) van alle onkoste gemaak in verband met die nominasies en verkiesings van lede van die komitee, en

(ii) van die koste van publiseer in die *Prowinsiale Koerant* van enige regulasies gemaak kragtens hierdie artikel of kragtens enige ander wet teen sulke skaal as deur die Administrateur voorgeskrywe mag word, van hoogstens die helfte van die koste van sulke publikasie ; mits dat geen vordering vir sulke betaling gemaak mag word nie ten opsigte van enige regulasies gepubliseer voor die afkondiging van 'n regulasie hieronder ;

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gemeente sal wees met ewigdurende opvolging, en sal in staat wees wettelike vervolging in te stel of vervolgt te word, grond te koop, besit en vervreem en in die algemeen sodanige handelinge en dinge te verrig as wat gemeentes volgens wet mag doen en verrig, onderwerp aan die bepalings van hierdie Ordonnansie en enige andere wet.

(4) By afkondiging van 'n proklamasie kragtens die voorafgaande subseksie waarby enig gesondheidskomitee ingestel word as 'n gemeente, sal sodanig komitee vir die doeleindes van die Dorpewet geag word 'n munisipale raad te wees, en—

(i) die Goewerneurgeneraal sal geregtig wees aan sodanig komitee te transporteer :—

(a) dorpsgronde onderwerp aan die bepalings van die Dorpsgronde Ordonnansie 1904 ;

(b) enige grond of persele genoem in paragrawe (b) en (c) van subseksie (1) van artikel *ag* van die Dorpewet ;

(c) enige andere grond geregistreer op naam van die Goewerment ;

(ii) in die geval van enig dorp goedgekeur kragtens die Dorpewet, sal by sodanig komitee die *dominium* berus oor die strate, pleine en ope ruimtes, vermeld op die algemene kaart van sodanig dorp ;

(iii) artikel *vyf-en-dertig*, artikels *twee-en-sestig* tot en met *sewen-en-sestig*, subseksies (18,) (19), (20), (21), (22), (23), (24) en (25) van artikel *nege-en-sewentig* en subseksie (1) van artikel *een honderd drie-en-veertig* van hierdie Ordonnansie sal wees en word hierby toepaslik gemaak op sodanig komitee as of dit 'n raad van 'n munisipaliteit was en die gebied waarvoor dit was ingestel 'n munisipaliteit was.

Herinstelling
van
bestaande
gesondheids-
komitees.

147. Die komitees ingestel kragtens die bepalings van Ordonnansie No. 9 van 1912 en genoem in die Sesde Bylae van hierdie Ordonnansie sal van die aanvang van hierdie Ordonnansie as gesondheidskomitees ingestel wees kragtens hierdie Ordonnansie vir die jurisdiksiegebiede omskrywe en bestaande by sulke aanvang.

Die lede van ieder sulke komitee sal in funksie bly kragtens die bepalings van die proklamasie waarby dit ingestel word en voorsiening maak vir die benoeming of verkiesing van sy lede, totdat die Administrateur by proklamasie in die *Prowinsiale Koerant* sal voorskrywe dat die lede van enige sulke komitee op ander wyse verkies of benoem moet word, of dat enige sulke komitee op ander wyse kragtens hierdie Ordonnansie ingestel sal word.

144. Die bepalings van die Plaaslike Bestuur Belastings Ordonnansie 1912 en enige wysiging daarvan sal toepaslik wees op iedere munisipaliteit waarvoor 'n dorpsraad ingestel is kragtens hierdie Ordonnansie, mits dat die Administrateur by proklamasie in die *Prowinsiale Koerant* mag verklaar dat vir 'n tydperk van minstens een kalenderjaar die bepalings van die genoemde Ordonnansie of enige wysiging daarvan nie van toepassing sal wees nie in enige sulke munisipaliteit, en dat vir sulke tydperk die erfbelasting hefbaar kragtens die bepalings van artikel vyf van Wet No. 4 van 1899 of enige wysiging daarvan in die genoemde munisipaliteit ingevorder sal word.

Erfbelasting mag in die plek gestel word vir eiendomsbelasting. **Ord. No. 11 van 1926.**

145. (1) Telkens wanneer kragtens die laasvoorgaande artikel die erfbelasting hefbaar is in 'n munisipaliteit sal sulke belasting aan die raad betaal word en invorderbaar wees as of dit belasting was opgelê kragtens die Plaaslike Bestuur Belasting Ordonnansie 1912, of enige wysiging daarvan en die bepalings van sulke Ordonnansie en enige wysiging daarvan sal toepaslik wees vir die doel van sulke invordering.

Spesiale bepalings waar erfbelasting gehef word.

(2) Die Administrateur mag enige erfbelasting kwytstel in gevalle waarin die grond afgesonderd of uitsluitend gebruik word vir onderwys, godsdienstige, liefdadige of openbare doeleindes.

HOOFSTUK IX.

GESONDHEIDSKOMITEES.

146. (1) Die Administrateur mag van tyd tot tyd by proklamasie in die *Prowinsiale Koerant* op sulke wyse as hy dienstig mag ag vir enige stad, dorp, of ander gebied 'n komitee instel, wat 'n gesondheidskomitee genoem sal word, en sulke komitee sal, onderwerp aan die bepalings van hierdie Ordonnansie, belas wees met die instandhouding van die gesondheid van die inwoners vir die gebied waarvoor dit ingestel is en met sulke ander pligte as hierna voorgeskrywe is.

Instelling van Gesondheidskomitees.

(2) Die Administrateur mag die jurisdiksiegebied van sulke komitee vergroot, verander of inperk en mag te eniger tyd wanneer daarvan 'n goeie grond aangevoer word sulke komitee afskaf en ophef, en, die Administrateur mag, om die afskaffing of opheffing te bewerkstellig sulke order onder sy hand uitvaardig as nodig mag wees, en sulke order sal die krag van wet hê en bindend wees vir alle partye in enige betrokke saak.

(3) Die Administrateur mag van tyd tot tyd per proklamasie in die *Prowinsiale Koerant* verklaar dat enig gesondheidskomitee hieronder ingestel 'n

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Administrateur mag regulasies vir dorpsrade maak.

141. Die Administrateur mag van tyd tot tyd regulasies maak, verander en herroep, toepaslik op enige munisipaliteit waarvoor 'n dorpsraad ingestel is op enige saak waarop sulke raad bevoeg is kragtens artikel *honderd neën-en-dertig* verordeninge te maak, dog op welke saak die genoemde raad versuim het verordeninge te maak, of na verordeninge gemaak te hê, die goedkeuring daarvoor van die Administrateur te verkry.

Uitdrukking "burgemeester" geles word as "voorsitter" en "plaasvervangende burgemeester" as "plaasvervangende voorsitter."

142. In Hoofstukke III, IV, V en VII, toegepas kragtens artikel *honderd neën-en-dertig*, sal die uitdrukking "burgemeester" geles word as "voorsitter" en die uitdrukking "plaasvervangende burgemeester" sal geles word as "plaasvervangende voorsitter."

Toepassing en nie-toepassing van sekere ander wette op dorpsrade.

143. (1) Behalwe soas bepaal in subartikel (3) hiervan, sal die volgende wette nie toepaslik wees op dorpsrade nie:—

(a) Die Munisipale Verkiesings Ordonnansie 1912 en enige wysiging daarvan;

(b) Die Munisipaliteite Bevoegdhede tot Onteiening Ordonnansie 1903, of enig wysiging daarvan (hierna in hierdie paragraaf die Onteienings Ordonnansie genoem), behalwe dat die bepalinge van artikels *nege* tot en met *twaalf* van sulke Ordonnansie toepaslik sal wees in die geval van enige arbitrasie aangeleentehede in verband met enige werke wat deur 'n dorpsraad onderneem mag word kragtens artikels *een-en-tagtig* en *vier-en-tagtig* van hierdie Ordonnansie, mits dat die Administrateur op die applikasie van enige dorpsraad op sulke dorpsraad die Onteienings Ordonnansie mag toepas vir enige bepaalde doel neergelê in sulke Ordonnansie;

(c) Die Plaaslike Bestuur Weë Ordonnansie 1904 of enige wysiging daarvan.

(2) Die bepalinge van die Dorpsgronde Ordonnansie 1904 en enige wysiging daarvan sal *mutatis mutandis* toepaslik wees op alle dorpsrade ingestel kragtens hierdie Ordonnansie.

(3) Verkiesings van raadslede vir die Munisipaliteit Innesdale sal geskied kragtens en ooreenkomstig die bepalinge van die Munisipale Verkiesings Ordonnansie 1912 en enige wysiging daarvan as of die raad van die genoemde munisipaliteit 'n stadsraad was.

munisipaliteit ingestel kragtens artikel *honderd sestien*, mits dat 'n dorpsraad nie noodsaakelikerwyse 'n geneeskundige gesondheidsamptenaar sal benoem nie tensy deur die Minister verlang kragtens artikel *twaalf* (1) van die Volksgesondheidwet 1919; mits verder dat waar geen geneeskundige gesondheidsamptenaar benoem is nie die Sekretaris van Volksgesondheid van die Unie persoonlik of deur 'n plaasvervanger deur hom skriftelik benoem mag nagaan of aan die volksgesondheidsverordeninge of regulasies of enige regulasies deur die Administrateur gemaak kragtens artikel *honderd een-en-veertig* hiervan of gemaak kragtens die Publieke Gesondheidswet, 1919, of enige wysiging daarvan, voldaan word.

(2) Die Administrateur mag by proklamasie in die *Prowinsiale Koerant* en onderwerp aan die voorwaardes genoem in die eersvolgende artikel, aan enige dorpsraad enige of alle van die bevoegdhede en pligte toeken aan stadsrade toegeken deur, en op sulke dorpsraad enige van die bepalings toepaslik maak van Deel I van Hoofstuk X van hierdie Ordonnansie met uitsondering van die bepalings van artikel *honderd vyf-en-vyftig*.

140. 'n Dorpsraad wat wens enige of alle van die bevoegdhede uit te oefen genoem in, of dat enige bepaling van Deel I van Hoofstuk X anders as die bepaling van artikel *honderd vyf-en-vyftig* van hierdie Ordonnansie toegepas word, sal die Administrateur 'n petisie aanbied, geteken deur minstens twee-derde van die raadslede vraende om verlof sulke bevoegdhede uit te oefen of sulke bepaling toepaslik te maak.

Hoe spesiale bevoegdhede te verleen.

Op ontvangs van sulke petisie sal die Administrateur terstond die strekking daarvan in drie agtereenvolgende uitgawe van die *Prowinsiale Koerant* en eenmaal per week vir drie weke in 'n nuusblad (as daar een is) wat binne die munisipaliteit sirkuleer, laat publiseer.

Enige belanghebbend persoon sal bevoeg wees, binne dertig dae na die eerste publikasie in die *Prowinsiale Koerant* van die strekking van sulke petisie, by die Administrateur skriftelik beswaar in te dien teen inwilliging van die petisie.

Op ontvangs van sulke beswaar mag die Administrateur die magistraat of een of meer ander persone benoem om die petisie te oorweeg en enige beswaar daarteen, en na die rapport van die aldus benoemde ondersoekende persone gehoor te hê, of as daar geen sulke beswaar is nie na behoorlike ondersoek, mag die Administrateur na diskresie sulke petisie in sy geheel of gedeeltelik toestaan of weier.

Ord. No. 11
van 1926.

Omstandig-
hede waar-
onder ver-
kiesing deur
loting sal
beslis word.

137. By die verkiesing van 'n voorsitter kragtens die bepalings van die laasvooraangaande artikel, sal, as bevind word dat die aantal stemme uitgebring op enige twee of meer kandidate gelyk is, die verkiesing deur loting beslis word.

Plaasver-
vangend
voorsitter
van raad.

138. (1) Van tyd tot tyd sal 'n plaasvervangende voorsitter van die raad verkies word, onderwerp *mutatis mutandis* aan die bepalings van die laaste twee vooraangaande artikels, en sulke plaasvervangende voorsitter sal telkens wanneer dit sal nodig wees weens oorlyde, bedanking, afwesigheid, siekte, of onbekwaamheid van die voorsitter, alle handelinge verrig wat die voorsitter as sodanig mag verrig. Die feit van die oorlyde, bedanking, afwesigheid, siekte of onbekwaamheid van die voorsitter sal deur die stadsklerk gerapporteer word op die eerste vergadering van die raad gehou na dat sulke oorlyde, bedanking, afwesigheid, siekte of onbekwaamheid plaas gehad het of aangevang is, en sal in die notule van die raad opgeneem word. Sulke aantekening sal voldoende magtiging wees vir alle handelinge verrig deur die plaasvervangende voorsitter, welke die voorsitter as sodanig mag verrig, van die datum van oorlyde of bedanking, of die aanvang van afwesigheid, siekte of onbekwaamheid van die voorsitter, totdat 'n nuwe voorsitter benoem sal wees of die voorsitter sy pligte sal hervat het.

(2) Op iedere vergadering van die raad van sulk 'n munisipaliteit sal die voorsitter, indien teenwoordig, voorsit, en in geval van sy afwesigheid die plaasvervangende voorsitter, en indien nóg die voorsitter nóg die plaasvervangende voorsitter op enige vergadering teenwoordig is, dan sal die aanwesige raadslede onder hulle 'n tydelike voorsitter kies, wat by afwesigheid van die voorsitter en plaasvervangende voorsitter op sulke vergadering sal presideer, en as dit die raad sal blyk op sulke vergadering dat die voorsitter en plaasvervangende voorsitter albei van die munisipaliteit afwesig is, of om enige ander rede nie in staat is om op te tree nie, mag die raad by besluit aan die tydelike voorsitter verkies as voorsê, volle outoriteit toeken alle handelinge te verrig wat die voorsitter as sodanig mag verrig, totdat of die voorsitter of die plaasvervangende voorsitter weer in staat is as sodanig op te tree.

DEEL II.—BEVOEGDHEID EN PLIGTE VAN DORPSRADE.

Algemene en
spesiale
bevoegdhede.

139. (1) Die bepalings van Hoofstukke III, IV, V, VI en VII van hierdie Ordonnansie sal wees en word hierby toepaslik gemaak op die dorpsraad van enige

135. (1) Die raadslede verkies by iedere jaarlikse verkiesing tot aanvulling van vakatures veroorsaak deurdat raadslede aftree weens afloop van hulle ampstydperk, sal sitting hê vir 'n tydperk van drie jare, en 'n raadslid verkies tot aanvulling van 'n toevallige vakature wat moet aangevul word kragtens artikkel *honderd neën-en-twintig*, hetsy dat sulke verkiesing sal plaas hê by die jaarlikse verkiesing of nie, sal sitting hê vir die resterende tydperk waarvoor die raadslid wat afgetree is en wat hy opvolg, anders sitting sou gehad het.

Duur van ampstydperk van raadslede.

Ord. No. 11 van 1926.

(2) By enige jaarlikse verkiesing waarby raadslede verkies sal word tot aanvulling van toevallige vakatures, sal die vakatures ontstaan deur aftreding van raadslede weens afloop van hulle ampstydperke geag word aangevuld te wees deur die kandidate wat by die verkiesing die grootste aantal stemme verkry het. Die andere verkose kandidate sal geag word toevallige vakatures aan te vul in die volgorde en na gelang van die aantal stemme op elk uitgebring, sodat die raadslid wat met die grootste aantal stemme verkies is, geag sal word die raadslid op te volg wat, indien hy nie was afgetree nie, die langste sy setel sou behou het. In geval die saak nie as voorsê kan gereël word nie, weens gelykheid van stemme vir twee of meer kandidate of deurdat geen stemming plaas het nie, sal dit deur die voorsittende amptenaar deur loting beslis word.

136. Op die eerste vergadering van die raad gehou na elke jaarlikse verkiesing van raadslede, of op die eerste vergadering van die raad van enige nuut ingestelde munisipaliteit en daarna op die eerste vergadering van die raad daarvan na iedere jaarlikse verkiesing van raadslede, sal die raad deur stemming, indien daar meer as een nominasie is, 'n raadslid as voorsitter kies, en as daar een nominasie is, dan sal die raadslid aldus genomineer verklaar word behoorlik as voorsitter verkies te wees. Sulke voorsitter sal sy amp, terstond aanvaar en in funksie bly totdat sy opvolger benoem word na die eersvolgende jaarlikse verkiesing van raadslede, tensy sy amp vroeër vakant word, en in geval van sulke vakature sal 'n opvolger gekies word op die eersvolgende vergadering van die raad deur die raadslede onder hulle, wat sy amp terstond sal aanvaar en as voorsitter optree vir die res van die tydperk waarvoor die afgetrede voorsitter verkies was; mits steeds dat as 'n voorsitter om een of ander rede nie verkies word nie op 'n vergadering soas hierin voorgeskrywe, hy verkies mag word op die eerste gewone vergadering van die raad daarna gehou of op 'n spesiale vir die doel belegde vergadering.

Verkiesing van voorsitter.

Ord. No. 11
van 1926.

(2) Die eerste verkiesing kragtens hierdie Ordonnansie van dorpsrade ingestel kragtens subartikel (2) van artikel *honderd sestien* sal plaas hê op of tussen sulke dae as deur die Administrateur by proklamasie in die *Prowinsiale Koerant* bepaal sal word, en die voorsittende amptenaar sal 'n dag bepaal ooreenkomstig die bepalinge van sulke Proklamasie vir die hou van die verkiesing en sulke kennisgewings uitvaardig as voorgeskrywe is deur artikel *honderd drie-en-twintig*.

Ampstydperk van raadslede verkies by eerste verkiesing.

132. By enige sulke eerste verkiesing sal een-derde van die verkose raadslede, wat daardies sal wees wat bo aan staan by die stemming, hulle amp beklee vir 'n tydperk van drie jare, en die een-derde van die verkose raadslede wat die daarop volgende grootste aantal stemme behaal sal hulle amp beklee vir 'n tydperk van twee jare, en die resterende derde van die verkose raadslede sal hulle amp vir 'n tydperk van een jaar beklee; mits dat in enige geval waarin die raadslede wat 'n gelyke aantal stemme verkry het en om die rede nie kan geplaas word in die eerste, tweede of derde afdeling van raadslede as voorsê, of as daar geen stemming is nie, deur loting sal beslis word welke raadslede hulle amp sal bly beklee respektiewelik vir drie of twee of een jaar. Die voorsittende amptenaar sal as hy die uitslag van die verkiesing bekend maak verder die respektiewe tydperke verklaar waarvoor die raadslede verkies is.

Administrateur mag ampstydperk vasstel.

133. In die geval van 'n eerste verkiesing van 'n dorpsraad gekonstitueer kragtens subartikel (2) van artikel *honderd sestien*, mag die Administrateur nie-teenstaande enigiets in die voorafgaande artikel vervat, die tydperke voorskryf waarvoor elke divisie raadslede verkies by sulke eerste verkiesing hulle amp sal beklee.

Jaarlikse verkiesing van raadslede.

134. Na enige sulke eerste verkiesing van raadslede sal daar 'n jaarlikse verkiesing van raadslede wees welke gehou sal word in die maand Oktober van elke en iedere jaar vir die doel raadslede te verkies tot vervanging van 'n gelyke aantal raadslede wat aftree weens afloop van hulle ampstyd en ook vir die doel sulke toevallige vakatures aan te vul as wat nodig is aangevul te word kragtens die bepalinge van artikel *honderd neën-en-twintig*; mits dat in die geval van dorpsrade gekonstitueer kragtens subartikel (2) van artikel *honderd sestien*, die Administrateur by proklamasie in die *Prowinsiale Koerant* mag verklaar dat die verkiesing van raadslede na die eerste verkiesing nie sal plaas hê nie tot die maand Oktober van die jaar wat volg op die jaar waarin sulke eerste verkiesing gehou was.

129. Enige raadslid wat sal ophou die kwalifikasies te besit deur hierdie Ordonnansie gevorder, of wat gediskwalifiseer sal word kragtens hierdie Ordonnansie, sal *ipso facto* sy amp opgee en die voorsitter van die raad sal op die eersvolgende vergadering van die raad enige sulke vakature wat ontstaan is bekend maak; en in geval dat enige persoon tot raadslid verkies sal sterf of gediskwalifiseer word kragtens die bepalings van hierdie Ordonnansie, of ophou as 'n raadslid bevoegdheid te besit, of sal bedank, of sal weier die amp van raadslid te aanvaar, of in geval dat enige vakature ontstaan kragtens Hoofstuk IV van hierdie Ordonnansie, of op enige manier welke ook, dan sal die voorsitter van die raad van enige sulke vakature aan die magistraat kennis gee, wat, behalwe onder die omstandighede genoem in die eerste voorbehoudsbepaling van hierdie artikel, terstond 'n vergadering sal belê van ingeskrywe kiesers vir die munisipaliteit vir die doel sulke vakature aan te vul op die hiervoor voorgeskrywe wyse; mits dat as enige sulke vakature ontstaan sal binne drie maande voor die eerste dag van November in die jaar waarin die raadslede uit hulle amp tree, sulke vakature nie aangevul sal word nie, dog sal oop bly tot die eerste algemene verkiesing gehou word; mits verder dat as daar meer as drie vakatures bestaan, hulle aangevul sal word deur 'n spesiale verkiesing vir die doel en gehou op die wyse soas in hierdie Ordonnansie bepaal is.

Toevallige vakatures.

Ord. No. 11
van 1926.

130. As daar deur enige oorsaak die vereiste aantal raadslede nie sal verkies word nie by enige verkiesing gehou kragtens hierdie hoofstuk, dan mag die Administrateur enige persoon of persone tot raadslid of raadslede benoem om die benodigde aantal vir die raad voltallig te maak en mag die tydperk voorskrywe gedurende welke aldus benoemde persone as raadslede sitting sal hê.

Bepalings in geval van versuim lede te kies.

131. (1) Die eerste verkiesing kragtens hierdie Ordonnansie van dorpsrade ingestel kragtens subseksie (1) van artikel *honderd sestien* sal plaas het gedurende die maand Oktober 1926, en die datum van ampstaanvaarding deur die raadslede wat verkies word by sodanige verkiesing sal die eerste dag van November 1926 wees; mits dat enige toevallige vakature wat op enige sodanige dorpsraad ontstaan voor die datum van die eerste verkiesing gehou te word as voorsê sal aangevul word op die wyse deur hierdie Ordonnansie voorgeskryf; mits verder dat enig raadslid verkies ter aanvulling van 'n toevallige vakature op die wyse as voorsê sy amp slegs sal beklee tot die eerste dag van November 1926.

Eerste verkiesing van dorpsrade.

Ord. No. 11
van 1926.

totale aantal kiesers op enige kieserslys minder is as tweehonderd en vyftig die aantal ure toegestaan vir die duur van die vergadering as voorsê na goeddunke van die voorsittende amptenaar mag verminder word tot nie minder as vier ure nie indien behoorlik melding gemaak was van sodanige vermindering in die kennisgewing genoem in artikel *een honderd drie-en-twintig* hiervan.

(2) Daarop sal die voorsittende amptenaar die bus oop en aanvang met telling van die stemme aldus uitgebring en die name van die persone wat die grootste aantal stemme verkry het as behoorlik verkies verklaar in die volgorde van die aantal stemme op hulle uitgebring. In die geval dat die aantal stemme uitgebring vir enige twee of meer kandidate bevind word gelyk te wees en in die geval dat die gelykheid van invloed is op die uitslag van die verkiesing, sal die voorsittende amptenaar deur loting bepaal wie as behoorlik verkies sal verklaar word. Daarop sal die voorsittende amptenaar die stembriefies in 'n verseelde envelop sluit en daarvan besit hou, en die inhoud na verloop van drie maande vernietig. Die voorsittende amptenaar sal nimmer bekend maak hoe enige kieser sy stem uitgebring het.

(3) Alle uitgawe noodsaakelikerwyse beloop deur die voorsittende amptenaar in verband met die nominasies voor en hou van enige verkiesing sal deur die raad gedra word.

Bepalings in
geval van
verkiesing
onreëlmatig
gehou.

128. (1) Enige kieser mag beswaar indien teen die verkiesing van een of meer persone wat die voorsittende amptenaar as behoorlik verkies verklaar het kragtens die twee laasvooraangaande artikels. Sulke beswaar sal by die voorsittende amptenaar ingedien word binne sewe dae na die verklaring van die verkiesing, en sal die gronde van beswaar skriftelik vermeld, en die voorsittende amptenaar sal op ontvangs van sulke beswaar daarop sulke ondersoek instel as hy dienstig mag ag en na eie diskresie sulke beswaar gegrond of ongegrond verklaar.

(2) As enige verkiesing deur die voorsittende amptenaar vir ongeldig verklaar word tengevolge van sy grondig verklaar van sulke beswaar, of as om rede van enige versuim of nalatigheid of enige ander oorsaak welke ook enige vergadering vir die verkiesing van raadslede nie sal gehou word nie, dan sal die voorsittende amptenaar en in ieder geval sodra moontlik nadat enige sulke gebeurtenis of versuim hom ter kennis gebring is, vergaderings van kiesers belê vir die doel 'n raadslid of raadslede te nomineer en te verkies op die wyse soas hiervoor bepaal is.

betrekking wat die raad bevoeg is toe te ken, nog die eggenote van sulke persoon in staat sal wees verkies te word of om verder raadslid te bly.

Ord. No. 11
van 1926.

126. Enige persoon op die kieserslys van die munisipaliteit ingeskrywe en teenwoordig op sulke vergadering mag enige persoon voorstel vir verkiesing as 'n dorpsraadslid bevoeg om verkies te word, en iedere sulke voorstel sal, voordat dit aan die vergadering voorgelê word, gesekondeer word deur enige ander persoon wat op die kieserslys ingeskrywe is van die munisipaliteit en teenwoordig op sulke vergadering. Die persoon aldus voorgestel en gesekondeer sal geag word behoorlik genomineer te wees sodra hy persoonlik op die vergadering of skriftelik per brief of telegram van sy aanneming van die nominasie kennis gegee het. As die aantal behoorlik genomineerde persone nie meer is as die aantal raadslede wat verkies moet word, sal die voorsittende amptenaar dan en daar die persone aldus genomineer as verkies verklaar, dog as die aantal persone behoorlik genomineer meer is as die aantal te verkiese raadslede, sal die voorsittende amptenaar op 'n tyd en plek en op 'n datum dan en daar deur hom bepaal te word, sulke datum nie later te wees nie as veertien dae na die datum van die genoemde vergadering, dan en daar oorgaan 'n stemming te hou onder die ingeskrywe kiesers op die wyse soas bepaal in die eersvolgende artikel.

Nominasie
van kandi-
date vir
verkiesing.

127. (1) Die voorsittende amptenaar sal aan die vergadering die name voorlees van die persone behoorlik genomineer. Ieder kieser op die vergadering teenwoordig sal sig op sy beurt na die tafel begee waaraan die voorsittende amptenaar gesete is en na die voorsittende amptenaar oortuig te hê dat sy naam voorkom op die kieserslys vir die munisipaliteit en dat hy nie reeds gestem het nie by die verkiesing wat dan gehou word, sal hy op 'n strook papier behoorlik geperforeer of officieel gemerk deur die voorsittende amptenaar en deur hom aan die kieser ter hand gestel, die name van die persone genomineer waarop hy wens te stem van hoogstens die aantal te verkiese persone, aanteken. Daarop sal die kieser die strook papier in 'n bus werp vir die doel bestem. Die vergadering sal gesluit word na afloop van ses ure van die uur voorgeskrywe as die tyd van die vergadering, tensy daar enige ingeskrywe kieser teenwoordig sal wees wat sy stem nie uitgebring het nie; in welke geval die voorsittende amptenaar bevoeg sal wees die vergadering te verleng totdat iedere sulke kieser sy stem sal uitgebring het; mits dat waar die

Wyse van
hou van
verkiesing.

Ord. No. 11
van 1926.

Vasstelling
van die aan-
tal lede.

122. Die Administrateur mag die aantal raadslede van enige dorpsraad vasstel en van tyd tot tyd vermeerder of verminder en van iedere sulke vermeerdering of vermindering sal kennis gegee word deur proklamasie in die *Provinsiale Koerant*, mits dat die aantal raadslede vir enige dorpsraad nie minder as drie of meer as twaalf sal wees nie, en verder 'n aantal sal wees wat 'n veelvoud van drie is.

Datum van
jaarlikse
verkiezing
van dorps-
rade en
kennisgewing
van ver-
gadering van
verkiezing.

123. (1) Verkiesings van dorpsrade sal gehou word gedurende die maand Oktober in elke jaar op die hierna bepaalde wyse.

(2) Die magistraat of sulke ander persoon as deur die Administrateur benoem mag word (hierna die voorsittende amptenaar genoem) sal, onderwerp aan die bepalinge van subartikel (1), die dag bepaal vir die hou van die verkiesing, en hy sal minstens veertien dae voor die aldus bepaalde dag, 'n kennisgewing publiseer in 'n nuusblad (as daar een is) wat binne die munisipaliteit sirkuleer, en sal sulke kennisgewing laat aanplak op 'n plek goedgekeur deur die voorsittende amptenaar en op sulke ander in die oog lopende plekke binne die munisipaliteit as die voorsittende amptenaar geskik sal ag.

(3) Sulke kennisgewing sal 'n publieke vergadering oproep van die persone op die kieserslys van die munisipaliteit ingeskrywe om raadslede te nomineer en te verkies.

(4) Iedere sulke kennisgewing sal die uur en plek binne die munisipaliteit omskryf waarop die vergadering gehou sal word en die vergadering sal op die aldus bepaalde uur en plek gehou word. Die genoemde kennisgewing sal ook die duur van die genoemde vergadering voorskryf.

Voorsittende
amptenaar te
presideer.

124. Op die tyd en plek in die kennisgewing bepaal, sal die voorsittende amptenaar teenwoordig wees en op die gehoue vergadering voorsit.

Kwalifikasies
van persone
vir nominasie
as raadslid
of vir 'n amp
op raad te
beklee.

125. Enige persoon, manlik of vroulik, bevoeg om as 'n kieser geregistreer te word by verkiesings van raadslede kragtens hierdie hoofstuk, kan in aanmerking kom om as raadslid verkies te word; mits dat geen persoon wie se boedel in likwidasie is of onder afstand in bewaring vir sy krediteure of as insolvent gesekwestreer, en wat sy rehabilitasie nie verkry het nie, nog 'n persoon van gekrenkte geesvermoëns as sodanig verklaar deur 'n bevoegde hof, nog 'n persoon wat gediskwalifiseer is kragtens subartikel (3) van artikel *honderd twintig* in aanmerking sal kom verkies te word, of indien verkies, om verder raadslid te bly; mits verder dat geen persoon wat enige pos beklee of winsgewende

datum van affloop van die vonnis vir enige misdad waarvoor die straf gevangenisstraf is met harde arbeid sonder die keuse van 'n boete, tensy grasie sal verleen wees.

(b) Blanke persone wat saam leef met naturelle- of kleurlingvroue.

121. (1) Sodra moontlik na die aanvang van hierdie Ordonnansie of binne een maand na die datum van 'n proklamasie kragtens hierdie Ordonnansie waarby 'n dorpsraad ingestel word, sal die magistraat of 'n ander persoon deur die Administrateur benoem 'n lys opmaak van alle persone wat kragtens artikel *honderd-en-neëntien* bevoeg is te stem by die verkiesing van 'n dorpsraad en wat nie gediskwalifiseer is nie kragtens die laasvooraangaande artikel.

Opmaak van
kieserslys.

Die genoemde eerste kieserslys mag deur die magistraat of ander benoemde persoon gewysig word en sulke lys sal ter insage lê op die kantoor van die magistraat of ander persoon vir veertien dae voor die dag van die verkiesing van lede van die raad, mits dat geen wysiging van die genoemde lys gemaak sal word nie binne 'n tydperk van sewe dae voor die dag van verkiesing.

(2) Die koste van opmaak van sulke lys sal deur die raad betaal word.

(3) Iedere latere kieserslys sal deur die raad opge- maak word voor die vyftiende dag van Augustus in elke en iedere jaar.

(4) Die raad sal onmiddellik na opmaking van sulke lys by kennisgewing aangeplak buite die kantoor van die raad bekend maak dat 'n eksemplaar van die genoemde lys op die genoemde kantoor sal ingesien word, en 'n eksemplaar van sulke lys sal ter insage lê op die genoemde kantoor, gedurende kantoorure, vir 'n tydperk van veertien dae. Die genoemde kennisgewing sal ook te kenne gee dat op 'n sekere datum, wat nie minder sal wees nie as sewe dae na affloop van die genoemde veertien dae, en op 'n tyd en plek daarin vermeld te word, aansprake om opgeneem te word op, of besware teen die genoemde lys sal gehoor en beslis word.

(5) Die voorsitter en twee ander lede van die raad sal op die aangekondigde dag, in ope sitting al sulke aansprake en besware hoor en daarvoor beslis, en mag van tyd tot tyd, na gelang van noodsaakelikeid, verdaag.

(6) Die hersiene lys gewaarmerk deur die voorsitter sal die kieserslys wees en bly, wat van krag is en daaraan sal nie toegevoeg of verander word nie totdat hieronder 'n nuwe lys opgetrek is.

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in staat wees eisende en verwerende in regte op te tree, grond aan te koop, te besit en te vervreem, en in die algemeen sulke handelinge en dinge te doen en te verrig as gemeentes kragtens wet mag doen en verrig, onderwerp aan die bepalings van hierdie Ordonnansie en enige ander wet rakende sulke dorpsraad.

Lede van bestaande rade van kleinere munisipaliteite hulle amp te behou.

118. (a) Behalwe soas bepaal in paragraaf (b) hiervan, sal die lede van die rade genoem in die Vyfde Bylae van hierdie Ordonnansie en die voorsitter en plaasvervangende voorsitter daarvan hulle amp bly beklee asof sulke raad nie opnuut ingestel was nie kragtens die bepalings van hierdie Ordonnansie tot die eerste dag van November 1926, wanneer hulle uit hul amp sal tree en ophou raadslede te wees, dog nietemin bevoeg sal wees kandidate te wees vir herverkiesing indien nie gediskwalifiseer nie kragtens hierdie Ordonnansie.

(b) Die lede van die Innesdale Dorpsraad en die voorsitter en plaasvervangende voorsitter daarvan sal hulle amp bly beklee kragtens die bepalings van die Munisipale Verkiesings Ordonnansie, 1912, of enige wysiging daarvan, as of sulke raad nie opnuut ingestel was nie kragtens die bepalings van hierdie Ordonnansie.

Kwalifikasie van kiesers vir verkiesing van dorpsrade.

119. Ieder blanke persoon, manlik of vroulik, van die leeftyd van een-en-twintig jaar en ouer, wat Brits onderdaan is wat die eienaar is van belasbare eiendom binne die munisipaliteit of wat binne die munisipaliteit sal gewoon het vir 'n tydperk van ses maande onmiddellik voorafgaande aan die samenstelling van die kieserslys of sy applikasie om geregistreer te word op die kieserslys, sal, onderwerp aan die hierna genoemde diskwalifikasie, geregtig wees op sulke kieserslys opgeneem te word mits dat geen persoon op enige tyd op die kieserslys sal opgeneem word in meer as een munisipaliteit nie.

Diskwalifikasies.

120. (1) Geen persoon wie se naam nie voorkom nie op die kieserslys as dan van krag sal geregtig wees te stem by enige verkiesing van 'n dorpsraad.

(2) Geen persoon met gekrenkte geesvermoëns as sodanig verklaar deur 'n bevoegde hof sal, tydens hy geestelik gekrenk is, in staat wees as 'n kieser geregistreer te word.

(3) Die volgende persone sal nie bevoeg wees nie te stem by enige verkiesing gehou kragtens hierdie hoofstuk :—

(a) Persone te eniger tyd veroordeel weens moord of tot dat drie jare verloop is na die

115. Waar enige persoon vir 'n tweede maal veroordeel is binne 'n tydperk van twaalf maande weens oortreding van 'n verordening deur enige dier te verkoop of vir verkoop aan te bied of van die hand te sit vir die doel van verkoop of vir die bereiding vir verkoop of in sy besit te hê, of enige artikel (hetsy vloeibaar of vas) bestem vir menselike voedsel, wat siek is of ongesond of onsmaklik of ongeskik vir menselike voedsel, mag die magistraat as hy dit dienstig ag, en bevind dat sulke persoon opsetlik of moedswillig albei oortredings begaan het, buite en behalwe enige ander straf op te lê, gelas dat 'n kennisgewing van die feite aangebring word in sulke vorm en op sulke wyse en vir sulke tydperk van hoogstens een-en-twintig dae as in die order vermeld mag word, op enige eiendom deur sulke persoon geokkupeer, en dat die persoon die koste van sulke aanplakking moet betaal; en as enige persoon die aanplakking van sulke 'n kennisgewing verhinder of die kennisgewing verwyder, onleesbaar maak of verberg tydens dit aangeplak is gedurende die genoemde tydperk, dan sal hy vir iedere oortreding blootstaan aan 'n boete van hoogstens tien pond (£10).

Bepaling vir aanbring op eiendom van kennisgewing *re* veroordeling vir verkoop of besit van siek dier of ongesonde voedsel.

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HOOFSTUK VIII.

DORPSRADE.

DEEL I.—KONSTITUSIE EN VERKIESING VAN DORPSRADE.

116. (1) Die rade van munisipaliteite ingestel kragtens Ordonnansie No. 9 van 1912, genoem in die Vyfde Bylae van hierdie Ordonnansie, sal van die aanvang van hierdie Ordonnansie, dorpsrade gekonstitueer wees met jurisdiksie oor die munisipale gebiede wat bestaan en omskrywe is by sulke aanvang.

Konstitusie van dorpsrade.

(2) Vir die doel 'n dorpsraad in te stel vir enige ander stad, dorp of gebied (wat geen munisipaliteit is nie), of die instelling van 'n dorpsraad in die plek van 'n stadsraad of gesondheidskomitee vir enige gebied, of vir die uitoefening ten opsigte van 'n dorpsraad van sulke ander bevoeghede as toegeken is deur artikel *nege* van hierdie Ordonnansie, sal die bepalings van artikels *nege* tot en met *veertien* van hierdie Ordonnansie *mutatis mutandis* van toepassing wees.

117. Iedere dorpsraad ingestel kragtens hierdie Ordonnansie sal, onder die naam van dorpsraad van 'n stadsbestuur wees met ewigdurende opvolging, en sal onder sulke naam volgens wet

Inlywing van dorpsrade.

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(2) enige bewoner van eiendom wat die eienaar van sulke eiendom verhinder te voldoen aan enige wettige vordering van die raad ;

(3) enige bewoner van eiendom wat op verlange weier, of opsetlik nalaat sy eie naam of die naam van die eienaar van sulke eiendom op te gee of opsetlik 'n onjuiste naam opgee ;

(4) enige persoon wat weier na sy beste vermoë te antwoord of opsetlik valse antwoorde gee op ondersoeke ingestel deur die geneeskundige gesondheidsamptenaar of enige gesondheidsinspekteur spesiaal deur hom skriftelik gemagtig vir die doel gevalle van enige besmetlike siekte op te spoor of moontlike bronne van besmetting van enige sulke siekte.

Oortreding van Ordonnansie, verordening of regulasies deur maatskappy of vennootskap.

112. As enige oortreding van hierdie Ordonnansie of enige wysiging daarvan of van enige verordening of regulasie begaan is deur 'n maatskappy of vennootskap, sal iedere besturende direkteur, of persoon wat die bestuur of kontrôle in hierdie Provinsie het oor die besigheid of eiendom in die geval van 'n maatskappy en ieder sulke persoon en elke vennootskap, daarvoor verantwoordelik wees, en sal blootstaan aan die straf vir sulke oortreding bepaal, mits dat niks in hierdie artikel vervat geag sal word enige ander persoon skuldig aan die oortreding, van aanspreeklikheid vry te stel.

Bevoegdheid van raad tot vervolging.

113. Die raad mag deur enige persoon skriftelik daartoe gemagtig onder die hand van die burgemeester of stadsklerk summier in die magistratshof vervolg vir alle oortredings van hierdie Ordonnansie of enige verordening of regulasie ; en die bepalings van enige wet wat betrekking het op vervolgings deur private persone in sulke hof sal op al sulke vervolgings toepaslik wees.

Verligting van oorlaste

114. By 'n magistraat mag geklaag word oor die bestaan van 'n oorlaste kragtens hierdie Ordonnansie of kragtens enige verordening of regulasie gemaak kragtens sulke Ordonnansie op enige eiendom binne die munisipaliteit deur enige persoon daardeur gehinder en daarop sal dieselfde weg gevolg word met dieselfde insidente en gevolge as wat betrekking het op maak van orders, strawwe vir ongehoorsaamheid aan orders appèl en andersins, as wat die geval is met 'n klag wat betrekking het op 'n oorlaste gemaak by die magistraat deur 'n raad in terme van die laasvoor afgaande artikel.

bedra nie. Enige sulke verordening mag verder bepaal dat buiten en behalwe hierdie boete, enige onkoste deur die raad beloop as 'n gevolg van 'n oortreding van enige verordening of by die uitvoering van enige werk deur enige verordening opgedra deur enige persoon uit te voer en nie deur hom uitgevoer nie, betaal sal word deur die persoon wat sulke oortreding begaan het of versuim om sulke werk uit te voer.

107. Alle oortredings op enige regulasie of verordening van krag in die munisipaliteit, sal geag word oortredings te wees van hierdie Ordonnansie en ieder persoon skuldig aan sulk 'n oortreding of aan 'n oortreding van enige van die bepalings van hierdie Ordonnansie, sal vir iedere sulke oortreding blootstaan aan 'n straf uitdruklik bepaal deur die regulasie of verordening of deur hierdie Ordonnansie, en as geen straf bepaal is nie dan tot 'n boete van hoogstens tien pond.

Strawwe
waar nie
anders be-
paal nie.

108. Alle boetes of ander gelde betaalbaar ten opsigte van enige oortreding van hierdie Ordonnansie, of van enige regulasie, of enige verordening, mag ingevorder word voor enige hof met bevoegde jurisdiksie.

Invordering
van boetes.

109. Behalwe soas in hierdie Ordonnansie anders uitdruklik bepaal is, mag, telkens wanneer enige boete sal opgelê wees kragtens die bepalings van hierdie Ordonnansie of van enige regulasies, of van enige verordening, en die veroordeelde persoon die boete nie terstond betaal nie, die hof wat die boete oplê gelas dat sulke persoon gevange gesit word met of sonder harde arbeid vir 'n tydperk van hoogstens een maand, as die opgelegde boete nie meer as vyf pond is nie, of vir 'n tydperk van hoogstens drie maande as die opgelegde boete meer as vyf pond bedra, en sulke persoon sal in hegtenis geneem word tensy hy sulke boete vroeër sal betaal.

Wanbetaling.

110. Iedere boete ingevorder vir 'n oortreding van 'n verordening of regulasie of vir enige ander oortreding van hierdie Ordonnansie of enige borgstelling verbeurd verklaar weens versuim van enige persoon, beskuldig van sulke oortreding, sulke beskuldiging te weerlê, sal gestort word in die inkomste van die raad; mits dat die magistraat wat veroordeel in alle gevalle van oortredings van verordeninge of regulasies die beskuldigde mag gelas sulke koste te betaal as hy redelik mag ag.

Aanwending
van boetes
en bestryding
van vervol-
gingskoste.

111. Die volgende persone sal blootstaan aan 'n boete van hoogstens tien pond of aan gevangenisstraf met of sonder harde arbeid sonder die keuse van 'n boete vir 'n tydperk van hoogstens drie maande—

Belemmering
van
amptenare
van die raad.

(1) enige persoon wat opsettelik enige raadslid of enige persoon in diens van die raad in die uitoefening van sy plig belemmer;

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of op die munisipale-aankondigingsbord, en geteken deur die burgemeester of twee raadslede en deur die stadsklerk. Die helfte van die koste van publiseer in die *Prowinsiale Koerant* van enige sulke verordening of wysiging of enige regulasies kragtens artikel *drie-en-twintig* (3) van die Naturelle (Stedelike Gebiede) Wet 1923, sal deur die raad gedra word.

Sulke verordening of wysiging daarvan sal krag van wet het binne die munisipaliteit van en na die datum van sy publikasie in die *Prowinsiale Koerant* tensy uitdrukkelik anders bepaal in die kennisgewing waaronder dit gepubliseer is.

Bewys van publikasie van verordening.

103. 'n Kopie van die *Prowinsiale Koerant* bevatende 'n kennisgewing waarby enige verordening of wysiging daarvan gepubliseer word kragtens die bepaling van die laasvooraangaande artikel sal, by alle geregtelike vervolgings, totdat die teendeel bewys is, bewys wees dat sulke verordening of wysiging daarvan, die krag van wet het binne die munisipaliteit ten opsigte waarvan dit gemaak en goedgekeur is as voorsê.

Verordeninge vir inspeksie beskikbaar en eksemplare verkrygbaar.

104. Eksemplare van die *Prowinsiale Koerant* bevattende bywette en amendemente daarop deur die Administrateur goedgekeur as voorsê en van alle regulasies en wysiginge daarvan sal ter insage lê op die kantore van die raad op alle redelike ure.

Die stadsklerk sal verplig wees op applikasie en teen betaling van sulke som as deur die raad mag vasgestel word (hoogstens drie pennies vir iedere honderd woorde wat in sulke verordening of regulasie voorkom of in totaal tien sielings), enige persoon te voorsien van 'n eksemplaar van iedere sulke verordening, regulasie of wysiging.

Bevoegdheid van Administrateur verordeninge te herroep.

105. Die Administrateur mag na eie diskresie te eniger tyd, na die betrokke raad redelik kennis gegee te hê en van sy redes daarvoor en na sulke raad gehoor te hê enige verordening herroep, verander of wysig, en van sulke herroeping, sal deur die Administrateur aan die Raad kennis gegee word wat bowendien 'n kennisgewing sal publiseer in die *Prowinsiale Koerant* en in 'n nuusblad (as daar een is) wat in die munisipaliteit sirkuleer sulke herroeping, verandering of wysiging aankondigende of sal 'n kennisgewing daarvan laat aanplak op die hoofdeur van die magistratshof en van die kantore van die raad.

Bevoegdheid strawwe op te lê vir oortreding van verordeninge.

106. Enige verordening mag 'n boete of ander strawwe voorskryf vir enige oortreding daarvan, en mag ook verskillende boetes of ander strawwe voorskryf in geval van agtereenvolgende of deurlopende oortredinge, dog geen boete sal meer as vyftig pond

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(d) die Administrateur sal die voorgestelde verordening tesaam met die hiervoor genoemde opgawe vir rapport na die Minister van Mynwese verwys alvorens hom goed of af te keur ;

(e) die vorenstaande prosedure sal gevolg word in enig geval waarin in die loop van die bespreking oor enige verordening deur die raad, 'n mosie sal voorgestel en gesekondeer word dat daarmee aldus gehandel word.

99. Nadat enige verordening deur die raad gemaak of gewysig is, sal sulke verordening of die wysiging daarvan aan die Administrateur voorgelê word wat, alvorens dit goed te keur, sig sal oortuig of aan die bepalings van artikel *sewen-en-neeëntig* en *ag-en-neeëntig* voldaan is en dat die bepalings van die verordening nie in stryd is nie met die bepalings van hierdie Ordonnansie, of enige wet of regulasie binne die munisipaliteit van krag.

Indiening van ontwerpverordening vir goedkeuring van Administrateur.

100. Die Administrateur mag enige verordening of wysiging na gelang hy mag dienstig ag, goedkeur, verander of afkeur.

Bevoegdheid van Administrateur verordening goed of af te keur wanneer ingedien.

101. Tesaam met kopieë van alle verordeninge of wysiginge van verordeninge ingedien vir die goedkeuring van die Administrateur kragtens die laasvoorgaande artikel, sal die stadsklerk aan die Administrateur voorlê—

Stadsklerk kopie in te dien van notule omtrent ontwerpverordeninge aan Administrateur.

(a) 'n kopie van die notule van die vergadering van die raad waarop die verordeninge of wysiging aangeneem was ;

(b) 'n sertifikaat deur die stadsklerk dat aan die bepalings van artikel *sewen-en-neeëntig* en, waar nodig, van artikel *ag-en-neeëntig* voldaan is ;

(c) kopieë van enige besware teen die aanneming van die verordeninge of wysiging wat skriftelik, mag ingedien wees, aan die stadsklerk, of, indien geen ingekom het nie, 'n verklaring in die sin.

102. By die goedkeuring deur die Administrateur van 'n verordening, of 'n wysiging daarvan deur die raad (met of sonder veranderings en wysiginge deur die Administrateur gemaak), sal die Administrateur 'n kopie van die verordening of wysiging aldus goedgekeur aan die stadsklerk laat stuur, en 'n kopie van die verordening of wysiging aldus goedgekeur sal deur die Administrateur gepubliseer word deur 'n kennisgewing in die *Prowinsiale Koerant* en deur die stadsklerk deur 'n kennisgewing aangeplak hetsy op die hoofdeur van die kantore van die raad

Afkondiging van goedgekeurde verordening.

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(b) dat die metodes gevolg of voorgestel gevolg te word deur die applikant om te voorkom dat skadelike of hinderlike dampe, gasse, of stank, wat uit sulke werk of bedryf ontstaan nie vol-doende is nie ;

mits egter dat die weiering van die raad enige lisensie toe te staan op die hierin genoemde gronde onderwerp sal wees aan dieselfde beroep as bepaal is in die voornoemde artikel *een-en-neëntig*.

DEEL II.—VERORDENINGE.

Hoe ver-
ordeninge
gemaak
moet word.

97. Geen verordening sal deur die raad gemaak of gewysig word totdat 'n kopie van die voorgestelde verordening of wysiging op die kantoor van die raad gedeponeer is vir inspeksie deur enige persoon op alle redelike tye, en 'n kennisgewing gepubliseer is in die *Prowinsiale Koerant* en in 'n nuusblad wat in die munisipaliteit sirkuleer en aangebring op die hoofdeur van die kantore van die raad of op die hoof-aankondigingsbord, een-en-twintig dae voor die vergadering van die raad gehou vir die doel sulke verordening of wysiging te maak met vermelding van die algemene strekking daarvan en dat 'n kopie daarvan kan ingesien word soas voorsê.

Prosedure
gevolg te
word in geval
van
verordeninge
wat betrek-
king het op
enige myn-
maatskappy.

98. Waar enige voorgestelde verordeninge enige mynmaatskappy raak met betrekking tot die bestuur van sy mynwerksaamhede of die kontrôle oor die eiendom waarop sulke werksaamhede verrig word, sal die volgende prosedure gevolg word :—

(a) die voorgestelde verordening soas aangeneem, sal deur die raad oorgelê word aan alle maatskappye wat betrokke is by werksaamhede binne die munisipaliteit, of aan enige assosiasie wat sulke maatskappye verteenwoordig ;

(b) as enige sulke maatskappy of assosiasie beswaar wens te maak teen sulke verordening op grond dat die belange van enige mynmaatskappy daardeur onredelik sou benadeel word, dan sal hy aan die raad 'n opgawe stuur van sy besware binne 'n tydperk van veertien dae van die datum waarop die verordening deur die maatskappy van die raad ontvang was ;

(c) op ontvangs van sulke opgawe binne die voorgeskrewe tyd sal die raad, by indiening van die verordening aan die Administrateur vir goedkeuring, vir oorweging aan die Administrateur 'n kopie stuur van sulke opgawe tesaam met 'n opgawe van die opmerkings (indien enige) wat die raad daarvoor wens te maak ;

te besit gedurende die tydperk van skorsing of intrekking; mits dat indien 'n handelslisensie verleen aan enige maatskappy of deelgenootskap of aan enige persoon ten behoeve van 'n maatskappy of vennootskap ingetrek of geskors is, enige diskwalifikasie tot hou van 'n lisensie wat hieronder mag opgelê word verbind mag wees òf aan sulke maatskappy of vennootskap òf aan die persoon wat kragtens artikel *honderd twaalf* verantwoordelik was vir die oortreding ten opsigte waarvan die order van skorsing of intrekking gemaak is, of so wel die maatskappy of vennootskap, en sulke persoon as die magistraatshof wat die order uitvaardig, mag bepaal.

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96. (1) Niemand sal binne die munisipaliteit die werk van vilder of bloedkoker, benekoker, seepsieder, penskoker of skraper, talksmelter, vetmelter, of vetuittkoker, huidehandelaar, vellekoper, vellebereider, bloeddroër, darmeskraper, vishandelaar, visbakker, leerbereider, looier, gommaker, lymkoker, houtskoolbrander, steenbakker of kalkbrander, mismaker, misberger, beneberger, of enige ander werk of bedryf van 'n hinderlike aard uitoefen wat, met die toestemming van die Administrateur, die raad mag toevoeg aan bowestaande lys, sonder vooraf van die raad 'n lisensie vir die doel verkry te hê.

Lisensieer
van hinder-
like bedrywe.

(2) Enige persoon wat enige sulke werk of bedryf sal uitoefen sonder die nodige lisensie van die raad verkry te hê sal blootstaan aan 'n straf van hoogstens vyftig pond en aan 'n verder straf van hoogstens twee pond vir iedere dag gedurende welke sulke oortreding sal bly voortbestaan nadat 'n kennisgewing om met sulke hinderlike werk of bedryf op te hou op sulke persoon deur die raad gediën is deur persoonlike aflewering of per geregistreerde brief of deur dit agter te laat by sy kantoor, werk- of woonhuis.

(3) Alvorens enige applikasie vir enige sulke lisensie as in hierdie artikel genoem oorweeg word, mag die raad van die applikant verlang die koste te betaal van adverteer van volledige besonderhede van sy applikasie op sulk 'n wyse en vir sulke tydperk as die raad dienstig mag ag.

(4) Die raad mag weier enige sulke lisensie as in hierdie artikel genoem te verleen op enige van die gronde genoem in artikel *een-en-neëntig* van hierdie Ordonnansie en ook op enigeen of meer van die volgende gronde, naamlik—

(a) dat die eiendom gebruik of voorgestel gebruik te word deur die applikant vir die werk of bedryf waarvoor die lisensie verlang word vir die doel ongeskik is;

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drie jaar driemaal veroordeel was vir oortreding van 'n wet, verordening, of regulasie van krag in enige munisipaliteit wat betref die leiding van die bedryf waarvoor die lisensie verleen was ;

(d) voorwaardes oplê waarby aan die gelisensieerde, sy bediendes, of enig ander persoon verbied word in enige winkel of op enige eiendom te woon, waarin waarop of waaruit enige sulke voorsegde bedryf of besigheid uitgeoefen word ;

(e) enige ander voorwaardes oplê wat deur wet voorgeskryf mag word ;

mits dat die voorwaardes deur die raad kragtens hierdie artikel opgelê duidelik vermeld sal word op die keersy van die lisensie en die lisensiehouer sal 'n duplikaat van die lisensievorm wat sulke voorwaardes bevat, teken. Die raad sal die aldus geëndosseerde en getekende duplikaat behou en dit sal, wanneer vertoon voor enige geregshof, *prima facie* bewys wees van die opgelegde voorwaardes ; enige oortreding deur 'n lisensiehouer van die opgelegde voorwaardes ten opsigte van sy lisensie kragtens hierdie artikel, sal geag word 'n oortreding van hierdie Ordonnansie te wees.

Bevoegdheid van raad sekere lisensies na diskresie te weier.

94. Nietenstaande teenoorgestelde bepalinge in hierdie Ordonnansie, mag die raad, na eie diskresie weier lisensies te verleen aan die trekker van enige jinricksha of aan die drywer van enige straatlokomotief, straatlokomobiel, tramkar, of publieke voertuig, of aan die applikant vir 'n lisensie wat medies of liggaamlik ongeskik is of wat geen bekwaamheidsproef kon aflê nie of enige waarborg stel deur verordening voorgeskryf.

Straf by veroordeling vir oortreding van wet of verordeninge van raad wat betrekking het op lisensies.

95. By veroordeling van enige persoon in die besit van 'n handelslisensie deur die raad verleen vir enige oortreding van die Dranklisensies Ordonnansie 1902 of enig wysiging daarvan of vir oortreding van die wet of die verordeninge van die raad hetsy in die leiding van sulke bedryf of op die eiendom waarop sulke bedryf uitgeoefen word of weens oortreding van die wettige voorwaardes waarop sulke lisensie verleen was, mag die magistratuurshof waarvoor sulke persoon skuldig bevind was, op applikasie gemaak sewe dae na sulke skuldigbevinding hetsy namens die raad of namens die Prokureur-generaal van die Provinsie sy lisensie endosseer, skors of intrek, en gelas dat geen nuwe lisensie vir die uitoefening van sulke bedryf binne dieselfde munisipaliteit verleen word nie aan sulke persoon vir 'n tydperk van hoogstens twee jaar van die datum van intrekking, en daarop sal sulke persoon onbevoeg wees 'n lisensie

Vir die doeleindes van hierdie subartikel sal die uitdrukking "verversingswinkel" beteken en insluit 'n restaurant, teekamer, kafee, suiker-goed, vrugte- of groentewinkel.

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92. Die raad mag 'n lisensie weier vir enige eiendom gebruik as 'n teater, musieksaal, danssaal, publieke saal, konsertsaal, of ander plek van vermaaklikheid of as 'n natuurlike of Asiate eethuis, of as 'n plek waar voedingsmiddele of drankte verkoop of tekoop aangebied word vir verbruik op die eiendom, of enige persoon te lisensieer as 'n venter, marskramer, drywer van 'n publieke voertuig, straathandelaar, bank-van-leninghouer, koshuishouer, losieshuishouer, 'n persoon wat die bedryf uitoefen van ontsmetter, of rywielandelaar op enige van die gronde genoem in die laasvooraangaande artikel, en ook op een of ander van die volgende gronde—

Bevoegdheid van raad te weier sekere eiendomme en handelaars te lisensieer.

- (a) dat die applikant in gebreke gebly het bevredigende bewys van goed gedrag te lewer;
- (b) dat die eiendom waarvoor 'n lisensie verlang word of enige aangrensende eiendom in die besit of geokkupeer deur die applikant, besoek word deur persone van slegte karakter;
- (c) dat die verlening van sulke 'n lisensie in stryd sou wees met die publieke belang;

mits egter dat die verlening van enige lisensie of die weiering van die raad om enige lisensie toe te staan op enige van die gronde hierin genoem onderwerp sal wees aan dieselfde beroep as waarin voorsien is in die vooraangaande artikel.

93. Die raad mag ten opsigte van 'n lisensie wat hy mag toestaan kragtens sy verordeninge en wat aan die houer daarvan die reg gee enige bedryf of besigheid uit te oefen vir die fabrikasie, bereiding, verkoop of gebruik van voedingstowwe of drank vir menslike gebruik—

Bevoegdheid van raad sekere lisensies toe te staan op sekere voorwaardes.

- (a) voorwaardes stel wat die indiensneming op eiendom waar voedingsmiddele of drank verkoop word van vroue onder die leeftyd van sestien jaar of die besiging op sulke eiendom van vroue na ag uur in die aand verbied of beperk;
- (b) voorwaardes stel wat betref die persone wat omrede van hulle lewensomstandighede, gewoontes of gesondheid beperk sal wees in of uitgesluit van die bereiding of hantering van sulke voedingsmiddele en drank in verband met enige sulke bedryf of besigheid as voorsê;
- (c) voorwaardes stel waarby die besiging in die besigheid van die gelisensieerde verbied word van enige persoon wat binne die vooraangaande

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(b) dat die eiendom waarin of waarop die applikant van plan is sy bedryf of besigheid uit te oefen, nie voldoen aan die vereistes van die verordeninge van die raad nie;

en in die geval van applikasies vir 'n lisensie tot uitoefening van enige bedryf of besigheid waarin voedingsmiddele of drankte geproduseer, berei, gebruik, of verkoop word vir menslike verbruik ook op enige van die volgende gronde, naamlik—

(c) dat die verlening van sulke 'n lisensie ten opsigte van die eiendom waarvoor dit verlang word bereken is oorlas of ergernis te veroorsaak aan persone in die buurte woonagtig;

(d) dat die applikant om rede van onsindelikheid op sy persoon of in sy gewoontes of lewenswyse, ongeskik is die hantering, bereiding of verkoop van voedingsartikels of drank bestem vir menslike verbruik toevertrou te word;

(e) dat die applikant volgens die oordeel van die raad geen gewenste persoon is sulke 'n lisensie te besit;

mits dat enige belanghebbende persoon wat hom gekrenk mag gevoel deur die verlening van enige lisensie deur die raad, of enige applikant vir 'n lisensie wie se applikasie geweier was, beroep mag aanteken by die magistraat teen die beslissing van die raad, en in geval dat die raad by appèl die magistraat nie kan oortuig nie dat die lisensie op goeie en voldoende gronde verleen of geweier was, mag sulke magistraat die raad gelas sulke lisensie toe te staan of in te trek, na gelang van omstandighede, en dienooreenkomstig sal sulke lisensie toegestaan of ingetrek word. Die beslissing van die magistraat by appèl na hom gegee sal finaal wees.

(2) Die raad mag enige lisensie vir 'n kaffereethuis of natuurlike restaurant weier waar, volgens die oordeel van die raad, die aantal kaffereethuse of natuurlike restaurants meer is as vir die behoeftes van die buurte vereis word.

(3) Die raad sal weier 'n lisensie toe te staan vir 'n verversingswinkel, tensy sulke winkel gehou word in 'n kamer of kamers uitsluitend gebruik vir die doel van die verkoop van vars bereide maaltyde, brood, vrugte, lekkergoed, suikergoed, tabak, vuurhoutjies, groente of blomme, of waar sulke kamer of kamers enige inwendige kommunikasiemiddele het met enige ander winkel, kamer of kamers waarin goedere ander as die voornoemde gehou word vir die doel van verkoop.

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sal bevoeg wees enige applikant vir of enige objekt eerder teen die verlening van 'n lisensie (in geskryfte onder sy hand gedien op sulke persoon) op te roep om getuienis af te lê op enige sitting van die raad of 'n komitee gehou vir die doel om die applikasie vir sulke lisensie te behandel of op sulke sitting boeke of dokumente te toon en enige sulke persoon wat weier of versuim sonder voldoende rede teenwoordig te wees en getuienis af te lê of boeke en dokumente in sy besit of onder sy beheer oor te lê soas deur sulke oproep verlang, sal skuldig wees aan 'n oortreding van hierdie Ordonnansie; mits steeds dat ieder persoon kragtens hierdie artikel opgeroep om getuienis af te lê of boeke en dokumente oor te lê die reg sal hê op alle voorregte waarop 'n getuie opgeroep om getuienis af te lê of boeke of dokumente oor te lê voer die Hoë Hof geregtig is.

(2) Alle getuie wat getuienis aflê voor die raad of 'n komitee by die behandeling van enige applikasie vir sulke lisensies sal getuienis aflê onder ede wat mag afgeneem word deur die burgemeester of voor-sittende raadslid.

(3) Enige getuie wat na behoorlik ingesweer te wees valse getuienis sal aflê by die behandeling van enige sulke applikasie betreffende die onderwerp van die ondersoek sal skuldig wees aan meened en sal blootstaan vervolg en gestraf te word volgens wet.

(4) Die raad of die komitee mag enige verklaring afgelê onder ede voor hulle by die behandeling van sulke 'n applikasie skriftelik aanteken en deur die aflegger laat teken, en dit sal bekragtig word met die handtekening van die burgemeester of voor-sittende raadslid, na gelang van omstandighede, as by sulke verhoor afgeneem en iedere sulke verklaring aldus opgeteken sal geag en aangemerkt word goeie getuienis te wees in 'n vervolging weens meened.

91. (1) Die raad mag weier enige lisensie uit te reik vir die uitoefening van 'n bedryf of besigheid welke hy bevoegd is te lisensieer ooreenkomstig sy verordeninge op enige van die volgende gronde—

Bevoegdheid
van raad
lisensies te
weier.

(a) dat binne die drie jaar onmiddellik aan die applikasie voorafgaande of die applikant of enig ander persoon werksaam of behulpsaam in sy besigheid of direk of indirek daarby belang hebbende, driemaal veroordeel was weens oortreding van 'n wet, verordening of regulasie in die munisipaliteit van krag ten opsigte van die leiding van die bedryf waarvoor die lisensie aangevra word;

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na enige eiendom weg te neem en af te sny, of vir die doel enige pype, elektriese draade, lyne, akkumulatore, fittings, werke, of toestelle wat aan die raad behoort te verwyder, alle skade veroorsaak deur sulke betreding, inspeksie, of verwydering deur die raad vergoed sal moet word.

Bevoegdheid
aanvoer af te
sny.

87. Indien enige persoon nalaat enige koste te betaal vir die lewering van elektrisiteit, gas of water of enige ander som aan die raad verskuldig vir die lewering daarvan, of ten opsigte van enige voorskotte verleen krachtens subartikkel (4) van artikel *drie-entagtig* van hierdie Ordonnansie, dan mag hy sulke aanvoer afsny, en mag vir daardie doel enige pyp, elektriese draad, lyn, of ander werk waardeur die elektrisiteit, gas of water aangevoer mag word, afsny of losmaak, en mag, totdat sulke koste of ander som, tesaam met die koste deur die raad gemaak deur sulke aanvoer van elektrisiteit, gas of water af te sny, ten volle betaal is dog nie langer nie, ophou met die lewering daarvan aan sulke persoon.

Straf vir
beskadiging
van pype of
draade.

88. Enige persoon wat deur strafbare nalatigheid of met boosaardige opset enige draad, lyn, pyp, of ander werk gebruik vir die oorbringing van elektrisiteit, gas of water, en aan die raad behorende as voorsê, deursny of beskadig, sal skuldig wees aan 'n oortreding en by veroordeling blootstaan die skade veroorsaak deur sulke beskadiging te herstel, of aan 'n boete van hoogstens honderd pond, of tot gevangenisstraf met of sonder harde arbeid sonder die keuse van 'n boete, vir 'n tydperk van hoogstens twee jaar.

HOOFSTUK VII.

BEPALING OP LISENSIES EN VERORDENINGE.

DEEL I.—LISENSIES.

Belastings of
fooie.

89. Die Raad mag sulke belastings of fooie oplê ten opsigte van enige handel, bedryf of eiendom as hy bevoeg is onder hierdie Ordonnansie te inspekteer of toesig oor te hou, en te lisensieer, as vasgestel mag wees deur sy verordeninge wat van tyd tot tyd van krag is.

Lisensieer—
prosedure.

90. (1) Die raad mag komitees benoem vir die doel enige applikasie te hoor vir lisensies tot uitoefening van enige bedryf of besigheid of mag self sit vir die behandeling van sulke applikasies, en die burgemeester of die voorsitter van enige aldus benoemde komitee, na gelang van omstandighede,

84. Die raad mag—

(a) alle dinge doen nodig vir die aanleg van hoof- en takdrade en pyplyne om elektriese stroom, gas of water onderdeur en bo oor publieke plekke oor te bring, en sulke drade of pype te verbind met enige eiendom op versoek van die eienare of bewoners daarvan;

(b) na dertig dae vooraf skriftelik kennis gegee te hê aan die eienaar, huurder of bewoner van sy voorneme, hoofleidings, pype, drade en kabels deur, oor, onder of bo enige private grond deur lê, binne of buite die munisipaliteit, en vergoeding gee vir enige skade aangebring, waarvan die bedrag by gemis van ooreenkoms, vasgestel word deur arbitrasie op die wyse bepaal deur die Munisipale Bevoegdheids van Ont-eienings Ordonnansie 1903, en die raad mag sulke hoofleidings, pype, drade en kabels laat lê, verander, dieper lê, oordek, daarbo plaas, en onderhou binne of buite die munisipaliteit, mits dat as enige eienaar, huurder of bewoner van grond buite die munisipaliteit beswaar maak teen sulke werk, die bepalings van artikel *honderd drie-en-sestig* en *honderd vier-en-sestig mutatis mutandis* toepaslik sal wees.

Pype en drade aan te lê op publieke plekke en private eiendom.

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85. Alle hoofleidings, pype, drade of kabels wat aangelê is deur of namens en op koste van die raad of wat onder sy beheer staan, sal die eiendom van die raad beskou word, en die raad of enige persone behoorlik deur die raad gemagtig, sal op alle tyde 'n reg van toegang hê tot private eiendom vir doeleindes van inspeksie, onderhoud, verandering of reparasies van en aan sulke hoofleidings, pype, drade of kabels, en mag alle dinge doen nodig om sulke hoofleidings, pype, drade of kabels oop te lê vir die doel van sulke inspeksie, onderhoud, verandering of reparasie; mits dat die raad alle skade veroorsaak deur die uitoefening van sy bevoegdhede kragtens hierdie artikel sal repareer.

Besitreg van raad oor pype, drade, ens.; reg van raad tot toegang, inspeksie, ens.

86. Enige amptenaar daartoe deur die raad benoem mag op alle redelike tye enige eiendom betree waaraan elektrisiteit, gas of water word of was gelewer deur die raad, om die pype, elektriese drade, lyne, meters, akkumulatore, fittings, werke en toestelle vir die lewering van elektrisiteit, gas of water wat aan die raad behoort te inspekteer, of vir die doel die hoeveelheid elektrisiteit, gas of water verbruik of gelewer op te neem, of telkens wanneer 'n lewering van elektrisiteit, gas of water nie langer verlang word nie, of telkens wanneer die raad gemagtig is die aanvoer van elektrisiteit, gas of water

Bevoegdheid tot toegang op eiendom waaraan dienste gelewer.

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Art. 80.

gebruik word na en ten opsigte van enige grond, gebou of eiendom binne die munisipaliteit, en mag daarvoor sulke koste belas en sulke leweringsvoorwaardes stel as deur verordening of regulasie bepaal mag word; mits dat alvorens met die instelling, verkryging of konstruksie van sulke werke aangevang word, die raad die toestemming van die Administrateur sal verkry.

(2) 'n Raad wat elektriese ligwerke aangelê het kragtens subartikel (1) hiervan, mag—

(a) met inagneming van die bepalings van artikel *neën-en-dertig* van die Elektrisiteits Wet, No. 42 van 1922, elektrisiteit lewer aan enige korporasie, maatskappy of persoon wat besigheid dryf of woonagtig is buite die munisipaliteit met die vergunning van die plaaslike outoriteit, as daar een is, van die gebied waarin die lewering plaas het, en die bepalings van hierdie Ordonnansie aangaande die lewering van elektrisiteit aan die inwoners van die munisipaliteit sal, vir so ver as hulle toepaslik mag wees, ook strek tot en van toepassing wees in die geval van sulke lewering buite die munisipaliteit;

(b) met die raad van 'n aangrensende munisipaliteit kontrakteer vir die lewering van elektrisiteit aan sulke raad op sulke bepalings en voorwaardes as onderling mag ooreengekom word;

(3) Die raad mag (met inbegrip van verkoop teen betaling in termyne) elektriese lyne, fittings, toestelle of werktuie verkoop aan private verbruikers op voorwaardes deur die Administrateur goedgekeur te word. Die bepalings van subartikel (2) tot (5) van artikel *honderd sewen-en-sestig* hiervan sal *mutatis mutandis* toepaslik wees op enige voorskotte kragtens hierdie artikel verleen.

(4) Die raad mag voorskotte in geld verleen aan enige eienaar van grond binne of buite die munisipaliteit vir die doel hom in staat te stel of behulpsaam te wees by die installasie van gewone draadaanleg, elektriese of gasfittings en artikels in of op sy eiendom, mits dat geen enkel voorskot hieronder meer as vyftig pond (£50) sal bedra sonder die toestemming van die Administrateur; sulke som sal insluit die koste van die aansluiting na die hoofleidings van die raad en enige onkoste in verband daarmee. Die bepalings van subartikels (2) tot (5) van artikel *honderd sewen-en-sestig* hiervan sal *mutatis mutandis* toepaslik wees op enige voorskotte verleen kragtens hierdie subartikel.

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bewaring, en lei van water uitgrawe, maak, en aanlê, en enige sulke werke as van tyd tot tyd nodig mag wees sluit, verander of verlê; mits dat as die raad enige werk vir die lewering van water sluit of verlê en daardeur enige eienaar van private eiendom van 'n watervoorsiening beroof word waarop sy eiendom tot dusver volgens wet of reg geregtig was, hy by die raad 'n beswaar kan indien en die raad sal daarop nie met die sluiting of verlegging voortgaan nie totdat vooraf die toestemming van die Administrateur verkry is;

(3) wanneer nodig enige watervore deur en oor enige private eiendom lê, mits dat deur die raad vergoeding gegee word vir enige skade daardeur aangerig, die bedrag van sulke vergoeding, by gemis van 'n ooreenkoms, deur arbitrasie vasgestel te word op die wyse soas bepaal deur die Munisipale Bevoegdhede Onteinings Ordonnansie, 1903;

(4) voorskotte toestaan aan die eienaar van enige grond in geld of materiaal vir die doel om hom in staat te stel 'n watervoorsiening op sy eiendom aan te lê uit munisipale leidings op sulke voorwaardes as deur die raad goedgekeur mag word. Die bepalings van subartikels (2) tot

(5) van artikel *honderd sewen-en-sestig* hiervan sal *mutatis mutandis* toepaslik wees op enige voorskotte kragtens hierdie subartikel verleen.

82. In enige munisipaliteit waarvan die raad werke onderneem vir die lewering van water aan die inwoners daarvan, sal niemand enige werke aanlê vir die lewering van water na enige eiendom sonder vooraf van die raad skriftelike vergunning gekry te hê sulke werke aan te lê; mits egter dat sulke vergunning deur die raad in alle gevalle verleen sal word waarin die raad self nie genege en in staat is nie 'n behoorlike en voldoende aanvoer van water te lewer aan die eiendom teen sulke prys as vasgestel mag word in sy verordeninge of deur die Administrateur goedgekeur, en mits verder dat niks in hierdie artikel die eienaar van enige eiendom sal belet daarop enige werke vir die lewering van water aan sulke eiendom te onderneem.

Lewering van
water aan
private
eiendom.

83. (1) Onderwerp aan die bepalings van artikel *ag-en-dertig* van die Elektrisiteits Wet, No. 42 van 1922, mag die raad binne of buite die munisipaliteit werke vestig, verkryg, konstrueer, uitrus, en uitvoer vir die lewering aan die inwoners van die munisipaliteit van lig, warmte, en krag, en mag elektrisiteit en gas lewer vir alie doeleindes waarvoor dit kan

Werke vir
die lewering
van lig,
warmte en
krag.

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(113) om die verkoop te verbied van *Cannabis indica* (dagga) of enige preparaat daarvan anders as deur 'n geregistreerde apteker en drogis op magtiging of voorskrif van 'n geregistreerde geneeskundige ;

(114) vir die handhawing van openbare welvoeglikheid, die verkoop of uitstalling te verbied van ongenaste literatuur, skilderye en vindings en vir die verbod van verkoop of vertoning van skilderye en plate met naakte figure ;

(115) om die publieke vertoning te verbied of te beperk deur bioskoop, kinematograaf, towerlantaarn of ander meganisme, medium, of bemiddeling, of die publieke vertoning deur tablo's, lewende beelde, aanplakbiljette, advertensies of ander afbeelding publiek tentoongestel, van enige prysgeveg, of enige ander worstelwedstryd, of voorval of voorvalle daarby betrokke, of enige sulke vertoning of voorstelling of illustrasie wat in stryd is met die goeie sede of publieke politiek ;

(116) die publieke vertoning te verbied of te beperk binne die munisipaliteit van gedrogte, natuurwonders, of enige abnormale persoon of dier, wat volgens die oordeel van die raad ongewens is om in die publiek vertoon te word ;

(117) bedelary op enige publieke plek te verbied ;

(118) in die algemeen vir die goeie beheer en bestuur van die munisipaliteit.

Geen sodanige verordening mag in stryd of onbestaanbaar wees met die bepalings van hierdie Ordonnansie of enige ander wet van krag binne die munisipaliteit.

DEEL II.—WERKE.

81. Die raad mag—

Werke vir
die lewering
van water.

(1) werke oprig, verkry, konstrueer, uitrus en uitvoer, binne of buite die munisipaliteit om die inwoners daarvan van water te voorsien, en sulke koste belas en sulke diensvoorwaardes oplê vir die lewering van water as deur verordening of regulasie vasgestel mag word ; mits dat die raad, alvorens met sulke werke aan te vang, te vestig, te verkry of te konstrueer, die toestemming van die Administrateur sal verkry ;

(2) binne die munisipaliteit waterlope, water-vore, waterpype, leidings, sluise, riole, damme, reservoirs en ander werke vir die lewering,

(100) om publieke plekke van ontspanning te vestig, reël, inspekteer, toesig hou oor en lisensieer ;

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(101) om te voorkom, reël of beperk dat persone onder die leeftyd van sestien jaar op enige plek van publieke vermaaklikheid of ontspanning sing of vertonings gee ;

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Algemeen.

(102) vir die reël, toesig hou oor en lisensieer van houtsaers ;

(103) vir die reël, toesig hou oor en lisensieer van bank-van-leninghouers, 'n deposito te vorder as waarborg van enige persoon wat vir sulke lisensie applikasie maak en die verkoop van onopgevorderde pande te reël ;

(104) vir die reël, inspekteer, toesig hou oor en lisensieer van die bedryf, besigheid of beroep van handelaars in, kopers en verkopers van tweedehands goedere, insluitende bottels, sakke, bene, parafien- en ander blikke ;

(105) vir die reël, inspekteer, toesig hou oor en lisensieer van rywielandelaars, fabrikante en reparateurs ;

(106) vir die reël, toesig hou oor en lisensieer van asiatische teekamers en eethuise en die indiensneming of aanwesigheid te verbied van blanke vroue in sulke teekamere of eethuise waarvan 'n gedeelte gelisensieer is vir sulke doel ;

(107) vir die reël, inspekteer, toesig hou oor en lisensieer van swembade en badinrigtings en baai in enige ope watervlak binne die munisipaliteit te verbied en te reël ;

(108) vir die reël, inspekteer, toesig hou oor en lisensieer van bootinrigtings en lisensieer van bote, hetsy gehou om verhuur te word of andersins, en die gebruik van en bepaling van die aantal persone in sulke bote opgeneem te word te reël ;

(109) vir die reëling, toesig hou oor en lisensiering van lykbesorgers ;

(110) vir die beskerming teen beskadiging van en bemoeing met enige munisipale werke of eiendom geleë of in of onder of oor enige publieke of ander plek binne die munisipaliteit ;

(111) vir die verbied, beperk of reël van kwarrie of uitgrawe van klip, kalk, klei of ander materiaal op enige eiendom ;

(112) vir die in standhouding en beskerming van wilde diere en wilde voëls, hulle neste, en eiers binne die munisipaliteit ;

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Verligting.

(94) om die konstruksie en onderhoud te reël van alle installasies vir die lewering van lig, warmte of krag deur middel van elektrisiteit, gas of andersins; en onderwerp aan die bepalinge van subartikel (4) van artikel *drie-en-tagtig* voorwaardes voor te skrywe waarop voorskotte in geld verleen mag word aan eienare van grond vir die doel om hulle in staat te stel of behulpsaam te wees by die installasie van gewone elektriese draadaanleg, of gas en fittings en artikels in of op hulle eiendomme;

(95) tot reëling van die verligting met gas, elektrisiteit of andersins;

(96) om die ontwikkeling van acetylene gas of ander ontvlambare of ontplofbare gas te reël, en te kontroleer en die konstruksie en gebruik van alle toestelle wat daarmee in verband staan, en tot voorkoming of reëling van die berging van vloeibare acetylene of korbiet of kalsium;

Brande.

(97) vir die voorkoming en blussing van brande en die eienare van geboue verwyder ten einde die verspreiding van brande te voorkom te kompenseer, en tot reëling van die brandweer, en die koste wat belas mag word vir die dienste van sulke brandweer en die gebruik van water by brande;

Plekke van Publieke Vermaaklikheid.

(98) vir lisensieer, inspekteer, toesig hou oor, kontroleer en reël van teaters, bioskope, musieksale, danssale, konsertsale, publieke biljart kamers, en publieke bagatellekamers en ander plekke van publieke vermaaklikheid en vir stel van voorwaardes in enige sulke lisensie beperkende die dae en ure gedurende welke die gelisensieerde eiendomme oop mag gehou word; en in die geval van bioskope, teaters, musieksale, konsertsale en ander plekke van publieke vermaaklikheid vir kleurlinge, Asiate en natuurle, die in diensneming of teenwoordigheid te verbied van blanke vroue in sulke plekke van publieke vermaaklikheid of in enige huis waarvan 'n gedeelte vir sulke doel gelisensieer is;

(99) om die gebruik te lisensieer, te inspekteer, toesig oor te hou en te reël van kinematograaf en bioskoop appaarte en toestelle en die operateurs daarvan te lisensieer, en die bekwaamheid van applikante vir sulke lisensies te eksamineer;

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(87) vir die reël en kontroleer van straat-versierings en die oprigting en verwydering van tydelike platforms, sitplekke en ander oprigtings vir die gebruik van die publiek by enige vergadering of vermaaklikheid, of vir die akkommodasie van toeskouers by enige optog, tentoonstelling, plegtigheid of kunsvertoning van enige aard te verbied, te reël en te kontrôleer ;

(88) (a) om die vervoer, verwydering, transport, fabrikasie, bewaring en gebruik van petroleum (parafien en petrol) en van enige ander vloeistof welke die Administrateur by proklamasie in die *Provinsiale Koerant* sal verklaar 'n ontvlambare vloeistof of brandbare materiaal te wees, te reël en te kontrôleer ;

(b) om die roetes en snelheid voor te skrywe waarmee en die dae en tye wanneer ontplofbare stowwe of ontvlambare vloeistowwe vervoer mag word ;

(89) om geldkollekte op publieke plekke vir liefdadige of ander doeleindes te verbied of te reël, en die gebruik van blanke vroue onder die leeftyd van sestien jare by enige sulke kollekte te verbied ;

Marke, Verkopings en Honde.

(90) vir die vestiging en reëling van publieke markte en markfoeie, en die vestiging te verbied van enige mark binne die munisipaliteit sonder die vergunning van die raad ;

(91) onderwerp aan die bepalings van enige wet wat betrekking het op naturelle, Asiatische of kleurlinge in stedelike gebiede, vir die afsondering vir die uitsluitende gebruik van naturelle of Asiatische of kleurlinge of Europeane van enige gedeelte of gedeeltes van enige munisipale markplein ;

(92) met inagneming van die bepalings van Wet No. 22 van 1925, vir reëling van publieke verkopings en foeie te belas in verband met publieke verkopings gehou op enige publiek plein of ope ruimte of in 'n publieke gebou ;

(93) om 'n belasting op te lê op hou van honde en voorsiening te maak vir opvang, verkoop of afmaking van honde sonder eienaar en van honde waarvoor die belasting nie betaal is nie, en ook ter behandeling van kwaadaardige, gevaarlike of sieke honde en sulke wat die rus verstoor deur blaf of op ander wyse, en te verbied dat loopse tewe losloop in die straat ;

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en met die verstande verder dat sulke lisensies uitgereik sal word deur die plaaslike outoriteit van die munisipaliteit waarin die applikant vir enige sulke lisensie woonagtig is ;

(80) vir die lisensieer en reël van alle private voertuie, behalwe kinderwaens (en dergelike), motorkarre, motorvoertuie en motorrywiele ;

(81) vir die reël en kontroleer van die vervoer van vleis van dooie diere deur of langs enige publieke strate of publieke deurgange ;

(82) om te voorkom dat voorwerpe op vensterkosyne of in enige ander posiesie naby enige straat geplaas word, op sodanige wyse dat dit wellig gevaar of hindernis vir voorbygangers kan veroorsaak ;

(83) om die oprigting van drade van enige aard in, langs, onder, of oor enige straat of deurgang te verbied of te reël, te inspekteer, toesig hou oor en te lisensieer ; mits dat sulke drade as wat vir publieke doeleindes deur die Posmeester-generaal of die Spoorweg Administrasie opgerig mag word, nie verbied of gereël sal word nie en daarvoor geen lisensie nodig sal wees nie ;

(84) om die vertoning van aankondigings of advertensieborde in of in die gesig van enige straat te reël, te inspekteer, toesig oor te hou, te beperk, te verbied, en te lisensieer, die verbod van advertensies, vindings, of afbeeldings wat onweloweglik is of aanduidende onweloweglikheid of nadelig vir die publieke sedelikheid deur aldus vertoon te word, en tot voorkoming van die vertoning van advertensies of advertensieborde op sulke plekke of op sulk 'n wyse of deur sulke middels as volgens die oordeel van die raad wellig die aanvalligheid van die buurte sou benadeel of ontsier ;

(85) om die gebruik en rondry van advertensiewaens, aankondigingsborde, lanterns, vlae, skerme of ander verplaasbare advertensieborde in of langs enige straat of deurgang te verbied, te reël, te inspekteer, toesig oor te hou en te lisensieer ;

(86) om die ontsiering van die voorkante van geboue of omheinings te belet, of die gebruik te verbied, te inspekteer, toesig oor te hou, te lisensieer, of die afmeting, omskrywing te reël, en aanbring van uithangborde, skerme, private lampe, sonneblinde of ander dinge bevestig aan of in verband met enige geboue of omheinings, deur middel waarvan enige advertensies of kennisgewings van enige aard getoon kan word ;

koste en vragpryse belas te word volgens afstand of tyd binne of buite die munisipaliteit en die aantal passasiers en die gewig, afmetings en aard van die ladings vervoer te word, en die raad in staat te stel enige sulke lisensie te endosseer, skors, of in te trek ; en die voorsiening en gebruik te verplig in publieke voertuie van sodanige taksimeters as deur verordening mag voorgeskrewe word en strawwe te bepaal in geval dat sulke taksimeters gebrekkig bevind word ; en in die belang van die veiligheid van die publiek te voorsien in die periodieke ondersoek deur 'n gemagtigde amptenaar van die raad van publieke voertuie en die gebruik te verbied van enige voertuig as 'n publieke voertuig tensy 'n sertifikaat van geskiktheid onder die hand van sulke amptenaar vooraf verkry is deur die applikant vir 'n lisensie of deur 'n lisensiehouer en vir elke sulke sertifikaat 'n fooi te belas ;

(76) om afsonderlike publieke voertuie vir die gebruik van blanke persone en van naturelle of Asiate of ander kleurlinge onderskeidenlik te reël, kontrôleer en te lisensieer, en die gebruik van sulke publieke voertuie deur sulke persone te beperk ;

(77) om die gebruik te reël, te beperk, toesig oor te hou en te lisensieer van rywiele, driewielers, straatlokomotiewe, en straatlokomobiele binne die munisipaliteit, en sulke voertuie te registreer en te stempel ; en die raad te magtig die gebruik van straatlokomotiewe binne die munisipaliteit of enige gedeelte daarvan te verbied ;

(78) vir die lisensieer van, en toesig oor, drywers van straatlokomotiewe binne die munisipaliteit en die bekwaamheid van die applikante vir sulke lisensies te eksamineer, en drywe van sulke voertuie te verbied deur ongelisensieerde persone en die raad in staat te stel enige sulke lisensies te endosseer, te skors of in te trek ;

(79) om die raad te magtig wedersydse ooreenkomste aan te gaan met ander rade waarby voertuie in een munisipaliteit gelisensieer deur die ander kontrakterende raad as gelisensieer erken sal word, mits die lisensiekoste in elke sulke munisipaliteit dieselfde is ; met die verstande dat waar die grense van twee of meer munisipaliteite aan mekaar grens 'n voertuie-lisensie uitgereik in een van sulke munisipaliteite erken sal word in gevalle waar die koste dieselfde is, deur die rade van sulke munisipaliteite,

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vir die onderhoud, snoeiing of verwydering van enige sulke bome en die verwydering of beskadiging daarvan te voorkom ;

(67) om aanhou van hingste, donkiehingste, bulle, ramme, bokke, bere, geite, varkens, bye of wilde of gevaarlike diere binne die munisipaliteit te belet of te reël en te kontrôleer ;

Verkeer en Publieke Plekke.

(68) om die breedte, bandaanleg, bestrating, geutaanleg, verhard en skoonmaak van weë en state te reël ;

(69) om die verkeer te reël en belemmerings in of op publieke plase te voorkom en te verwyder, vir die behandeling van lewende hawe en dooie, sieke, of verwonde diere op enige publieke plek aangetref, en drywe van lewende hawe deur strate of ander publieke deurgange te beperk en te reël ;

(70) om die verkeer, optogte en byeenkomste op of in publieke plekke te reël en te kontrôleer, en die gebruik van bepaalde klasse van voertuie in seker strate of gebiede te verbied of te beperk ;

(71) om te belet dat enige persoon of voertuig enige artikkel, las of lading sodanig dra of vervoer dat daardeur passasiers of voertuie in enige publieke plek belemmer of gehinder word, en te belet dat kruise, rywiele of ander voertuie op enige sypad of voetpad gery word anders as vir die doel hulle te kruis na of van enige huis of gebou ;

(72) om te belet dat persone met ander saamkom en sodoende 'n belemmering veroorsaak op enige publieke plek behalwe die sulke as wat vir die doel afgesonder mag word ;

(73) om straathandel te reël en straathandelaars te lisensieer en toesig oor te hou, straathandel te verbied of te beperk deur persone onder die leeftyd van sestien jare en te verbied dat persone onder daardie leeftyd deur ander oorgehaal of toegestaan word op straat handel te dryf in stryd met die bepalinge van enige verordeninge ;

(74) om die bespeel van musiekinstrumente of sing of gramfoonuitvoerings vir profyt in of op enige publieke plek te reël, lisensieer, toesig oor te hou, te beperk of te verbied ;

(75) om die reëling, kontrôle, en lisensieëring van portiers, publieke bestellers, vragryers, motorvoertuig-oppassers, tramrytuie en publieke voertuie die drywers daarvan, en die bedrag van lisensiefoeie betaal te word vas te stel, die

wat deur die raad was goedgekeur, of die sluiting van enige strate, weë, of ope ruimtes aangedui op sulke tekening behalwe met 'n soortgelyke toestemming ;

(61) tot voorkoming, sonder die goedkeuring van die raad, of tot reëling van die onderverdeling of op snyding van grond of die onderverdeling van bestaande boupersele in kleiner stukke, en tot bepaling dat geen transport van enige sulke onderverdeling van grond op enige registrasiekantoor geregistreer sal word tensy en totdat 'n sertifikaat onder die hand van die stadsklerk aan die registrasie amptenaar oorgelê sal wees dat die raad sulke onderverdeling goedgekeur het ; mits dat verordeninge hieronder nie toepaslik sal wees nie op die onderverdeling van grond vir die doel daarop 'n dorp te vestig kragtens die Dorpewet 1907 en enig wysiging daarvan ;

Gronde, ens., onder Kontrôle van Raad.

(62) om voorsiening te maak vir die behoorlike en deeglike sorg van die gemene weiveld en ander munisipale grond en weiding daarop te verbied of te reël, en die fooie voor te skryf, indien enige, betaal te word vir vee gehou en gewei ;

(63) met inagneming van die bepalings van enige Proklamasie uitgevaardig kragtens die Wildbeskermings Ordonnansie van 1905, of enige wysiging daarvan, skiet en jag van wild gedurende die ope seisoen op munisipale gronde te reël, te beperk of te verbied, en fooie te belas aan persone toegestaan wild op sulke gronde te skiet of te jag ;

(64) met inagneming van die bepalings van enige Proklamasie uitgevaardig kragtens die Visbeskermings Ordonnansie van 1921 of enige wysiging daarvan, vis te reël, te beperk of te verbied gedurende die ope seisoen in damme, waterlope en ander waters onder die kontrôle van die raad en daarvoor fooie te belas aan persone toegestaan daarin te vis ;

(65) om permitte te verleen vir maak van bakstene, kalk grawe en brand, of klei, grint, turf, uit te grawe en te verwyder, of klip te kwarrie of te breek of brandhout, struikgewas of gras te sny op munisipale gronde, en fooie (indien enige) voor te skrywe om daarvoor betaal te word ;

(66) om bome, blomme en struike te plant en te preserveer en plant van bome langs publieke plekke te verbied, of reël of te kontrôleer, en

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(56) om die inspeksie van geboue en oprigtings deur die raad en sy amptenare te reël, en die oprigting en gebruik van steierwerk en afrasterings tydens die konstruksie, afbreek, reparasie, of verandering van enige gebou te reël en die belasting van fooie in verband met enige sulke afrastering ;

(57) om die gebruik van ondergrondse kamers vir menslike bewoning of okkupasie te reël of te verbied ;

(58) tot vasstelling en reëling van—

(a) die konstruksie van mure, fondamente, dake, skoorstene, rame, geute, afvoerpype, en alle ander dele van geboue, hetsy nuut of reeds bestaande, ten einde stewigheid, voldoende hoogte, lig en ventilasie te verseker, en die behoorlike afvoer van reënwater, as ook tot voorkoming van brande en vir gesondheidsdoeleindes ;

(b) die toereikendheid van die ruimte om geboue ten einde 'n vrye sirkulasie van lug en die behoorlike ventilasie van geboue te verseker ;

(c) die sluiting van geboue of dele van geboue ongeskik vir menslike bewoning en vir die verbod van hulle gebruik vir bewoning of okkupasie ;

(d) voldoende voorsiening vir ontsnapping van die bewoners van enige gebou in geval van branduitbreek by wyse van gewone of spesiale deure, yster buitetrappe, of ander middele, met inagneming van die grootte en gebruik van die gebou ;

(59) vir gee van kennis en die indiening van tekenings, en deursnedes deur persone wat geboue wens op te rig of te verander, vir die goedkeuring of andersins van alle tekenings en deursnedes van enige sulke geboue of veranderings deur die raad, vir belas van fooie in verband daarmee, en vir die verwydering, verandering, of afbreking, op koste van die eenaar, van enige werk aangevang of uitgevoer in stryd met enige verordening of regulasie, en tot voorkoming van die okkupasie van enige nuwe of veranderde gebou totdat 'n sertifikaat van die doelmatigheid daarvan vir bewoning sal afgegee en geteken wees deur die geneeskundige gesondheidsamptenaar ;

Dorpe en Onderverdelings van Grond.

(60) tot voorkoming van die terugtrekking, intrekking, of verandering, behalwe met die toestemming van die raad, van enige dorpsplan

behoorlike gesondheidstoestande, bevalligheid en gemak in verband met die aanleg en gebruik van grond in die lokaliteit waarin sulke geboue opgerig is te verseker, en die oprigting te verbied van geboue op enige ope ruimte aldus verskaf ;

(47) om die oprigting te belet van geboue op grond deurtrek van enige rottende, dierlike of menslike stowwe ;

(48) om die verligting en reiniging te vorder en te reël van trappe en gange onderling gebruik deur verskillende bewoners van dieselfde gebou en die reiniging, dreinering, en bestrating van binneplase, agterplase en ope ruimtes gebruik in verband met woonhuise ;

(49) om die frontlyne voor te skryf, die reëlmatigheid van lyne en vlakke van geboue en van die boutrant van geboue en die verwydering, verandering en die voorkoming van uitstekke of belemmerings aan die voorkant van geboue te verseker ;

(50) om die raad in staat te stel die verandering oprigting en gebruik van geboue te belet waarvan die klas of aard of op sigself of volgens die omstandighede of aard van die lokaliteit waarin hulle geplaas is, 'n ontsiering is vir die stad of 'n hindernis vir die inwoners daarvan ;

(51) om die oprigting te verbied van enige gebou deur die raad geag onaanneembaar te wees of wellig te word om rede òf van die aard en/òf konstruksie van die gebou self, of die doel waarvoor dit sal gebruik word, of sy omgewing ;

(52) om die gebruik te reël of te verbied as 'n woning van enige gebou nie vir daardie doel opgerig nie ;

(53) om die raad in staat te stel die onderverdeling of verandering van geboue of woonhuise te voorkom op sulke wyse as bereken mag wees nadelig vir die gesondheid te wees of eiendomme in die lokaliteit in waarde te doen daal of ongerief te veroorsaak aan die bewoners in die buurt ;

(54) om te verbied dat geboue of gronde vir gebruik bestem word bereken aangrensende eiendom in waarde te doen daal of hinderlik te wees vir die gerief of gemak van naburige bewoners ;

(55) om die oprigting van woonhuise of oprigtings van hout of van hout en yster of kanvas, afrasterings of omheinings te reël, te beperk of te verbied :

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(41) om, onderwerp aan die betaling van vergoeding vir bestaande boorgate of putte, die gebruik van water te verbied uit, of die voorsiening of grawe van enige boorgat of put op enige eiendom in gevalle waarin ter bevrediging van die magistraat kan aangetoon word dat sulke gebruik, voorsiening of grawe nadelig is vir of enige munisipale wateraanvoer verminder of wellig kan verminder;

Geboue.

(42) (a) vir reëling van die bou, rooilyn en hoogte van alle geboue of ander oprigtings en alle dele daarvan en die afbreking, verwydering of veilig maak van alle geboue, mure, brugge, aardwerke, stoepe en veranda's van 'n onveilige of gevaarlike aard te verplig, wat toegelaat is in 'n bouvallige of vervalte toestand te geraak, en sulke werk op koste van die eienaar uit te voer;

(b) om die bou en gebruik te verbied of te reël van rug-aan-rug staande wonings en huise en sorg te dra vir voldoende lugruimte en ventilasie tussen huise en voldoende kruisventilasie binne in die huise;

(43) om aan die eienare of bewoners van enige eiendomme te verbied dat hulle toelaat dat enige putte of ander uitgrawings daarop hulle in 'n onbeskermdede of gevaarlike toestand bevind, die omheining, opvulling of oordekking van putte of uitgrawings te verplig wat hulle in sulk 'n toestand bevind en sulke werk uit te voer en die koste daarvan in te vorder;

(44) om die gebruik en oprigting te reël, kontroleer of te verbied van enige tydelike of verplaasbare oprigtings hetsy dat hulle staan op wiede of andersins, en die gebruik van tente of soortgelyke opstalle vir besigheid of woon-doeleindes te verbied of te beperk;

(45) om die afvoer te belet van enige geute of afvoerpype op enige voetpad, bestrating of sypad, en die aanleg te verseker, te reël en te kontroleer van pype om enige afvoer daarvan na sulke gote of riole te lei as deur die raad vir die doel mag gemagtig of goedgekeur word;

(46) om die afmeting van stukke grond waarop geboue mag opgerig word te bepaal, met behoorlike inagneming van die plaaslike toestande van verskillende dele van die munisipaliteit, die grootte en ligging voor te skrywe van die ope ruimtes op private grond verskaf en onderhou te word in verband met nuwe geboue ten einde

(32) om die voorkoming en uitroeiing te verseker van sprinkane en ander skadelike insekte binne die munisipaliteit en ter voorkoming en vermindering van landbouplae en vir die lewering van vergif en toestelle vir voornoemde doel ;

(33) vir die voorkoming en vermindering van toestande waardeur die uitbroeiing van muskiete of vlieë toegelaat en bevorder word ;

(34) om die uitroeiing te verseker van die onkruid *Xanthium spinosum* (boetebossie), *Cannabis indica* (dagga), *Tagetes minuta*, of enige ander onkruid wat deur die raad as skadelik verklaar mag word, op gronde binne die munisipaliteit, en eienare of bewoners van sulke gronde te verplig sulke onkruid op hulle grond te laat uitroei ;

Water.

(35) vir die reël van die toevoer en lewering van water onder die beheer of bestuur van die raad, en om verkwisting en misbruik daarvan te voorkom, koste te belas vir die gebruik van water uit watervore, en eienare of bewoners te verplig om watervore wat aan hulle eiendom grens in goeie order te hou ;

(36) vir die voorsiening deur die raad van watermeters, koste te bepaal vir water volgens meter, en die gebiede vas te stel waarin sulke meters geplaas sal word ;

(37) om die verontreiniging te voorkom van enige water waarop die inwoners reg van gebruik het ;

(38) om die verontreiniging te voorkom van vangterreine, riviere, kanale, bronne, putte, reservoirs, filtreerbedde, watersuiwerings- en pompwerke, tenks, vergaarbakke, of ander bronne van watertoevoer of waterbewaring waarvan die water gebruik word of waarskynlik sal gebruik word deur persone binne die munisipaliteit vir drink- of huishoudelike doeleindes ;

(39) om die verskaffing verpligtend te stel van 'n behoorlike en voldoende toevoer van water vir iedere woonhuis, skool, winkel, fabriek of werkplaas ;

(40) om eienare van eiendomme wat, volgens die oordeel van die raad nie voorsien is nie van 'n voldoende aanvoer van goeie en gesonde water vir drink- en huishoudelike doeleindes te verplig sulk 'n aanvoer te betrek uit enige pyp of leiding wat aan die raad toebehoort of wat binne 'n redelike afstand van sulke eiendom is ;

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sulke koeie deur middel van die tuberkuline-proef ondersoek is en dat hulle vry is van tuberkulose; mits dat sulke sertifikaat nie sal gevorder word nie met betrekking tot enige melkkoei, tensy daar gegronde redes bestaan om te vermoed dat sulke koei met tuberkulose besmet is, of in aanraking gewees is met vee wat daarmee besmet was;

(26) vir die lisensieer en reël van kaffereethuise en die verbod dat blanke vroue in sulke eethuise of in enige huis waarvan 'n deel vir sulke doel gelisensieer is, werksaam of aanwesig is;

(27) vir die reël, toesig hou oor en lisensieer van venters en marskramers; mits dat geen persoon genoem in die vrystellings tot item 12 van Deel I, Handelslisensies van die Twede Bylae van die Lisensies Konsolidasie Wet No. 32 van 1925, verplig sal wees om 'n venters- of marskramers-lisensie uit te neem nie;

(28) om die was van klere op publieke of private eiendom te reël en te belet en vir die lisensieer van, en toesig hou oor, persone vir was en strykwerk vir die inwoners van die munisipaliteit mits dat as die raad aldus by besluit bepaal, geen fooi sal belas word nie waar was en strykwerk verrig word deur en onder beskerming van 'n godsdienstige of liefdadige instelling, en vir reël en lisensieer (dog sonder daarvoor enige fooi te belas) van geboue of plekke buite die munisipaliteit (hierna buite-wasserye genoem) waar artikels gewas word vir inwoners van die munisipaliteit en om die invoer in die munisipaliteit te belet van enige voorsegde artikels tensy die buite-wasserye waarin hulle gewas was deur die raad gelisensieer is en vir lisensieer (dog sonder daarvoor enige fooi te belas) van, en toesig hou oor, persone vir was en strykwerk in sulke buite-wasserye;

(29) om die gebruik te verbied deur blanke persone vir woondoeleindes van eiendomme of agterplase geokkupeer deur naturelle, Asiatische of kleurlinge;

(30) om die voorkoming en uitroeiing te verseker van ratte en ander ongedierte binne die munisipaliteit en die raad in staat te stel valle te plaas of ander maatreëls te neem op enige eiendom nodig vir hierdie doel, en bemoeiing met sulke valle te verbied;

(31) om die neerlê en gebruik van vergif vir die doel van uitroeiing van diere of ongedierte te verbied en te reël en vir die belas van fooie vir enige inspeksie deur die amptenare of bediendes van die raad in verband daarmee;

bestem vir menslike voedsel op 'n ander plek in die munisipaliteit as in munisipale slaghuise, behalwe wat diere betref wat die bewoner van enige eiendom mag slag vir sy eie gebruik of van sy gesin ;

(23) vir lisensieer, inspekteer, toesig hou oor en reël van teekamers, kafees, restourants, hotels, eet-, kos- en losieshuise, bakhuise, slagterye, kruidenierswinkels, en alle fabriekke en plekke waar voedingsartiekels of drank vervaardig of bereid word vir verkoop of gebruik, of gebêre of verkoop word ;

(24) vir lisensieer, toesig hou oor en reël van melkleweransiers, roomysfabrikante of verkopers en vir lisensieer, inspekteer, toesig hou oor en reël van melkerye, melkwinkels en koeistalle ; vir reël van die vervoer en uitdeling en om die aanwysing te verkry van die bron van melk en melkprodukte afgelewer, te koop aangebied of verkoop binne die munisipaliteit ; om die voorwaardes voor te skryf waarop enige melk of melkprodukte geprodusseer of bereid binne of buite die munisipaliteit mag ingevoer, rondgebring, bewaar, verkoop of binne die munisipaliteit gebruik word, en om die invoer, rondbring, bewaring, verkoop of gebruik binne die munisipaliteit te verbied van melk of melkprodukte ten opsigte waarvan aan sulke voorwaardes nie voldaan is nie ; om die raad in staat te stel die kwaliteit van enige melk na te gaan en die nie-gemagtigde gebruik te verbied van enige terme deur die raad toegepas om sulke kwaliteit aan te dui ; om die invoer, aflewering, bewaring, verkoop of gebruik binne die munisipaliteit te verbied van enige melk of melkprodukte uit enige bron binne of buite die munisipaliteit wanneer dit die raad of 'n komitee daarvan blyk op die sertifikaat van die geneeskundige gesondheidsamptenaar dat die verbruik van sulke melk of melkprodukte waarskynlik die uitbreek of verspreiding van besmetlike of aansteeklike siekte kan veroorsaak ; (25) om die verkoop te verbied van tuberkuleuse melk, voorsiening te maak vir die ondersoek deur 'n veearts van melkkoeie binne die munisipaliteit en van tyd tot tyd te verlang dat ten opsigte van enige melkkoei waarvan melk verkry word of van wie se melk enige melkprodukt bereid word vir invoer, aflewering, bewaring, verkoop of gebruik binne die munisipaliteit 'n sertifikaat vertoon word van 'n veearts, goedgekeur deur die Hoofveearts, Transvaal, dat

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middele verrig word, te ontruim en vir die intrekking van lisensies verleen aan uitrokers in gevalle waarin die gelisensieerde by veroordeling vir enige oortreding getoon het onvoorsigtig, sorgeloos of onbekwaam te wees in of by sy werk of bedryf as voorsê ;

(18) om die vestiging of die uitoefening van enige bedryf, besigheid of beroep te reël en te verbied wat volgens die oordeel van die raad 'n bron van ernstige oorlas, ongemak of ongerief is of kan word vir die nabuurskap, mits dat verordeninge uit kragte hiervan gemaak hulle nie sal uitstrek nie tot die verbod van enige bedrywe of besighede wettiglik gevestig ten tyde van afkondiging van die verordeninge ;

(19) om strate of gebiede te omskryf binne welke winkels, pakhuse, fabriekke of besigheidsgeboue nie mag opgerig word nie of waarbinne bepaalde bedrywe, besighede of beroepe of straathandel nie mag gevestig of uitgeoefen word nie, mits dat verordeninge uit kragte hiervan gemaak hulle nie sal uitstrek nie tot winkels, pakhuse, fabriekke, of besigheidsgeboue opgerig of in aanbou of die bedrywe of besighede wettiglik gevestig ten tyde van afkondiging van die verordeninge ;

(20) vir die reël, inspekteer, toesig hou oor en lisensieer van alle besighede, fabriekke en werkplase wat omrede van rook, dampe, gasse, stof, geraas, trilling of ander oorsaak bronne van gevaar, ongerief, of ergenis vir die buurt is of kan word ; die voorwaardes voor te skrywe waarop sulke besighede, fabriekke of werkplase gedryf sal word en die bedryf daarvan te verbied tensy die voorgeskrywe lisensies eers sal verkry wees en aan die voorgeskrywe voorwaardes voldaan is ;

(21) vir die reëling, inspeksie, toesig hou oor en lisensiering van slag van vee en ander diere en die verkoop van vleis, die oprigting en tot seker plekke beperk van slaghuise en vleiswinkels en die sorg vir die behoorlike en sindelike toestand daarvan, en die verlening van magtiging tot toegang en inspeksie van slaghuise en vleiswinkels en die vee, karkasse en vleis daarin, en die toegang van die polisie en die inspeksie van huide te reël, wat ag-en-veertig ure nadat die diere geslag is moet bewaar word ;

(22) om die gebruik en bestuur te reël van munisipale slaghuise en bergplase vir die inspeksie van melk en geslagte vleis en in verband daarmee koste te hef, en die slagting te verbied van diere

nodig) van enige vleis, vis of ander voedingstowwe of drank wat siek, ongesond, skadelik of ongeskik is vir menslike gebruik ;

(c) om op riesiko van die eienaar sulke behandeling in plaas van vernietiging toe te staan van enige sieke ongesonde of skadelike voedings-artikel wat dit geskik mag maak vir menslike voedsel ;

(d) om die in beslagneem te magtig en die vernietiging te verseker van sieke diere wanneer nodig gesertifiseer deur 'n veearts in diens van of goedgekeur deur die Unie Departement van Landbou ;

(e) om die aanhouding in afwagting van keuring of ondersoek van diere of voedingsartikels of drank te gelas ;

(f) om standaards van samestelling, sterkte of kwaliteit voor te skrywe, en die vervalsing, onjuiste aanduiding of vermindering benede 'n voorgeskrewe of, indien geen voorgeskrewe is nie, 'n behoorlike standaard, te voorkom, en die verkoop in 'n suiwere staat en in 'n toestand wat ooreenkom met sulke standaard te verseker van melk of enige ander voedingsartikel of drank of enige geneesmiddel ; en

(g) om die raad te magtig om deur sy amptenare of bediendes enige dier, artikel of pakket te inspekteer en te ondersoek en in enige dooie dier te sny of enige artikel of pakket, en monsters te koop en die verkoop van monsters te verlang vir die doeleindes van hierdie subartikel ;

(15) om aanstootlike en hinderlike bedrywe te verbied, te reël, te inspekteer, toesig oor te hou, te lisensieer, en bewoners te verplig hulle persele vry te hou van hinderlike of ongesonde stowwe ;

(16) om die werk of die bedryf te reël, te inspekteer of toesig oor te hou van die vervaardiging van poetskatoen van vodde en die verkoop en gebruik te verbied vir die doel van die vervaardiging van artikels van ongesuiwerde katoen vervaardig van vodde en van persone wat sulke werk of bedryf uitoefen te vorder vir daardie doel van die raad 'n lisensie te verkry ;

(17) om die werk of bedryf van ontsmet of uitrook deur syaniet of ander middele te verbied, te reël, te inspekteer, toesig oor te hou, te lisensieer en persone te straf wat na kennisgewing daartoe sonder redelike grond weier enige kamer of kamers deur hulle geokkupeer op dieselfde verdieping of enige verdieping bo die van enige gebou waar uitroking deur syaniet of ander

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wat lydende is aan enige sulke siekte na doelmatige hospitale of afsonderingsplekke en hulle aanhouding en behandeling daarin waar, volgens die oordeel van die geneeskundige gesondheidsamptenaar sulke oorbringing, aanhouding en behandeling nodig is, hetsy tot beskerming van die volksgesondheid of om rede van die onvoldoendheid of ondoelmatigheid van die huisvesting of verpleging van die pasjent; kwarantyn en die ontsmetting van persone, plekke of dinge te reël en verpligtend te stel en die inbeslagneem en aanhouding en die vernietiging (waar volgens die mening van die geneeskundige gesondheidsamptenaar vereis) van artikels wat besmet is of aan die riesiko van besmetting blootgestel was, teen betaling van vergoeding aan die eienaar daarvan, sulke bedrag deur ooreenkoms of arbitrasie vasgestel te word;

(12) om die verstrekking van enige informasie of die oorlegging van enige dokumentêre of ander getuienis te verplig nodig vir die doel om die bron op te spoor en die verspreiding van besmetting te voorkom, die sluiting te vorder van skole of bedryfsgeboue wat vermoed word bronne van besmetting te wees of dit wellik kan word, en persone wat besmet is of vermoed word besmet te wees of wellik besmet kan word te verbied enige beroep of besigheid uit te oefen of iets te doen wat die verspreiding van 'n besmetlike of aansteeklike siekte kan veroorsaak;

(13) om van enige persoon wat in die munisipaliteit aankom binne vyftien dae van vertrek uit enige distrik wat besmet is of vermoed word besmet te wees met pes, kolera of gele koors of binne vyftien dae na geland te wees uit enige skip in Suid-Afrika aldus besmet of vermoed besmet te wees, of uit enige skip wat binne tien dae voor sy landing vertrek is uit of enige hawe aangedoen het aldus besmet of vermoed besmet te wees, te vorder aan die geneeskundige gesondheidsamptenaar sy naam en woonplaas binne die munisipaliteit op te gee;

(14) (a) om die invoer in die munisipaliteit, die besit, verkoop of te koop aanbieding vir die doel van menslik gebruik of die hantering (anders as vir die doel van vernietiging) te verbied en te belet van sieke diere, sieke vleis, vis of ander voedingstowwe of drank ongeskik vir menslike gebruik;

(b) om die in beslagneem te magtig en die vernietiging te verseker (waar volgens die mening van die geneeskundige gesondheidsamptenaar

gedien sal word; mits verder dat die verordeninge mag bepaal dat, in enige geval waarin blyk dat 'n oorlas wat binne 'n munisipaliteit bestaan geheel of gedeeltelik veroorsaak is deur een of ander handeling of versuim buite die munisipaliteit, vervolging ingestel mag word teen enige persoon ten opsigte van sulke handeling of versuim, op dieselfde wyse en met dieselfde insidente en gevolge asof die handeling of versuim heeltemal binne die munisipaliteit was;

(7) vir die verseker van die behoorlike konstruksie en reëling van stalle, koeistalle, veekrale, hoenderhokke en te belet dat diere aangehou word op eiendomme wat nie gebou word nie ooreenkomstig die verordeninge van die raad of wat so gebou of geleë is dat sulke diere, indien daar gehou, waarskynlik 'n oorlas of skade vir die gesondheid sal veroorsaak, en die raad of 'n komitee daarvan in staat te stel te belet dat varke gehou word op terreine wat volgens verklaring van die geneeskundige gesondheidsamptenaar so geleë is dat hulle vir sulke doel ongeskik is;

(8) om die oprigting te verbied van geboue of die verandering van bestaande geboue vir gebruik as stalle of koeistalle, vir handelsdoeleindes in woongebiede en gebiede aan te wys waar sulke geboue al of nie opgerig of gebruik mag word;

(9) (a) om die bestaan en oorsaak te ondersoek van oorlas wat veroorsaak word deur geute, private, sinkputte, wateraanvoer, geutstene, stankafsluiters, hewels, pype, of ander werk of apparaat daarmee verbind, daarin verbetering aan te bring en die koste in te vorder daarvoor deur die raad gemaak, en die aanspreeklikheid en straf vas te stel vir oorlas in of op enige agterplaas of sanitêre gemak gesamentlik gebruik deur die bewoners van twee of meer verskillende geboue of deur verskillende bewoners van dieselfde gebou;

(b) om die konstruksie of gebruik van septiese tenks en filtreerwerke of ander werke vir die afvoer van rioolvuil op private eiendom te reël, kontrôleer of te verbied;

(10) vir die bewaring van die volksgesondheid;

(11) om die uitbreek en verspreiding te voorkom van besmetlike of aansteeklike siektes, te verklaar welke siektes aangegee moet word, die aangifte van siektes verpligtend te stel, die oorbringing verpligtend te stel van persone

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van die raad of 'n komitee van die gehele raad te verbied, te beperk en te reël, en deur skorsing 'n lid van die raad te straf wat skuldig is aan 'n oortreding daarvan ;

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(3) vir die instelling, onderhou en verpligtend stel van die gebruik van enige gesondheidsdiens welke die raad gemagtig is te verrig of te reël, of wat mag ingestel word kragtens enige bevoegd-hede aan die raad toegeken vir die verwydering of vernietiging of op ander wyse handel met nagvuil, uriene, vuilwater, afval, karkasse van dooie diere en vuilnis van enige aard en die koste vas te stel wat daarvoor belas sal word ;

(4) vir sindelik hou van openbare plekke en brugge van vuil, vuilnis of afval, en persone te verbied enige vuil, vuilnis, glas, blikke, papier, dooie diere, was- en vuilwater of ander vloeibare of vaste afval op of in enige straat, weg, brug, deurgang, ope ruimte, vakante standplaas, vakante erf, spruit of waterloop te werp, neer te gooi en te deponeer, of enige sulke vloeistof te laat afloop in enige sulke plek en baai en was van persone, diere of dinge in enige sulke plek te verbied en te reël ;

(5) om die gebruik of misbruik te voorkom en die sluiting te verseker van sinkputte, en die voorsiening, konstruksie, ligging, afrastering, gebruik, skoonmaak en repareer van, aard-private, waterklosette, private, asputte, asbakke, urinoirs, geutstene, vaste bade en vaste wasbakke, vuilwaterpype, vore en vuilwatertens in verband met geboue te verplig en te reël en skade daaraan te voorkom ;

(6) om die herhaling te verbied, verwyder of voorkom van oorlaste, die raad in staat te stel om hetsy op die veroorsaker van 'n oorlas of op die eienaar of bewoner van die eiendom, waarop die oorlas ontstaan en weer sou kan ontstaan, kennisgewings te dien (met of sonder 'n opgawe van die aard daarvan) waarin gevorder word dat sulke werk as nodig is vir die verwyder, doen ophou of voorkom van herhaling van die oorlas binne 'n redelike tyd in die kennisgewing genoem te word, gedoen moet word, met die bepaling dat die nie-nakoming van sulke kennisgewing 'n oortreding sal wees, en verder die raad in staat te stel sulke werk te verrig op koste van die persoon wat versuim het sulke kennisgewing na te kom, mits dat waar die oorlas veroorsaak is deur 'n gebrek in die gebou self, die kennisgewing op die eienaar van die gebou

(46) skoolkoshuise of losieshuise verbonde aan of in verband met skole gevestig en onderhou kragtens die Onderwyswet 1907 (Transvaal) of enige wysiging daarvan vestig, oprig, bou, uitrus en onderhou, in verband daarmee koste belas;

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(47) van die eienaar van enige eiendom verlang enige van die volgende handeling te verrig—

Verwydering
van bome,
ens.

(a) ten genoeg van die raad enige boom, struik of heg wat oorhang of op enigerlei wyse hinderlik is vir bome of enige drade of werke van die raad te verwyder, te verlaag of te snoei;

(b) enige vervalte omheining of gebou wat grens aan enige publieke plek te verwyder;

(48) alle byprodukte verkoop ontstaan by die uitvoering van enige werke of ondernemings welke die raad gemagtig is te dryf;

Byprodukte.

(49) wetgewing bevorder en teë gaan in die belang van die munisipaliteit;

Wetgewing.

(50) alle dinge doen wat nodig is vir die toepassing van die doeleindes waartoe en ten opsigte waarvan die raad gemagtig is van tyd tot tyd verordeninge te maak, verander of te herroep en vir toepassing van alle bywette en regulasies.

Algemeen

Behalwe waar in hierdie Ordonnansie daarop 'n uitsondering gemaak is, sal alle koste deur hierdie artikkel gemagtig deur verordening vasgestel word.

80. Die raad mag van tyd tot tyd verordeninge maak, verander en herroep vir alle of enige van die volgende doeleindes, naamlik—

Verordeninge.

(1) vir reël van enige van die dinge waartoe die raad kragtens hierdie Ordonnansie of enige proklamasie daaronder uitgevaardig bevoegd is te doen, te vestig, onderhou of onderneem, en die koste ten opsigte daarvan belas te word, behalwe wat skutte aangaan;

(2) vir reël van die verrigtings van die raad en die pligte en voorregte van sy amptenare en bediendes, en die orde te bewaar op raadsvergaderings insluitende die bevoegdheid 'n lid te skors en uit te sluit wat die gesag van die stoel minag of die werksaamhede van die raad moedswillig verhinder; en die publikasie en openbaarmaking van die dokumente van die raad en aantekeninge en die verrigtings van enig komitee

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- Bydrae—
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Vereniging.
- (36) sy bydrae betaal aan die Transvaalse Munisipale Vereniging en die redelike reis- en persoonlike onkoste van sy verteenwoordigers gemaak weens bywoning van vergaderings van enige konferensie of van die uitvoerende komitee van die genoemde vereniging ;
- Versiering
van pleine.
- (37) enige plein of ope ruimte die eiendom van of afgestaan aan die raad kragtens artikel *twee-en-sestig* hiervan aanlê en versier deur enige boukundig of ander skema van versiering met inbegrip van standbeelde, fonteine of ander oprigtings ;
- Krema-
toriums, ens.
- (38) publieke krematoriums, lykhuisse en publieke weegmasjiens vestig, oprig en onderhou, en daarvoor sulke koste belas as deur verordening vasgestel word ;
- Bote.
- (39) bote en bootinrigtings verkry, uitrus en onderhou en in verband daarmee koste hef ;
- Slaghuisse.
- (40) munisipale slaghuisse vestig, oprig, onderhou en dryf en in verband daarmee koste hef ;
- Brandweer
en ambu-
lanses.
- (41) een of meer brandweerbrigades en ambulanses vestig, en onderhou en koste belas vir die dienste van sulke brigades en ambulanses en vir water gebruik by brande ;
- Aanteeldiere.
- (42) aanteeldiere, soas hingste, donkiehingste, bulle, ramme, bere, of bokke aankoop of huur of aanhou vir publieke gebruik en in verband daarmee koste belas en bepaal ;
- Publieke ver-
makelikeid.
- (43) 'n redelike bedrag aan uitgawes maak nodig vir publieke vermaaklikheid ;
- Biblioteke,
ens.
- (44) (1) vestig, verkry, oprig, vervaardig, onderhou, ondersteun, bevorder en hou—
(a) publieke biblioteke en museums en letterkundige en wetenskaplike lesings ;
(b) botaniese en dieretuine ;
(c) publieke bad en washuisse,
en in verband daarmee koste belas ;
(2) besluit dat die algemene bestuur, reëling en kontrôle van inrigtings genoem in paragrafe (a) en (b) deur die raad gevestig oorgedra en uitgeoefen sal word deur sulke komitee as sulke raad van tyd tot tyd mag benoem waarvan die lede geen raadslede behoef te wees nie, nietaenstaande teenoorgestelde bepalinge in hierdie Ordonnansie.
- Musiekkorpse.
- (45) korpse vir musiekuitvoerings op publieke plekke of in munisipale sale instel, onderhou, aanhou of daarvoor bydra, en in die algemeen voorsien in musikale vermaakhede op sulke plekke of in sulke sale, en daarvoor koste belas ;

keuse van 'n boete vir 'n tydperk van meer as een maand, enige sulke jaargeld gedurende sulke termyn van gevangenskap aan sy afhanklikes betaalbaar sal wees ;

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(c) met een of meer andere rade ooreen te kom 'n verenigde pensioen-, voorsienings- of weldadigheidsfonds te stig ten voordele van die persone in die diens van enige van die rade ; mits dat—

(i) elke sulke verenigde fonds gestig sal word by afsonderlike besluite aangeneem deur elkeen van die rade en goedgekeur deur die Administrateur, en onderwerp sal wees aan sulke verordeninge as opgetrek mag word kragtens paragraaf (b) hiervan en aangeneem deur elkeen van die betrokke rade ;

(ii) sulke verordeninge voorsiening sal maak vir die beheer en belegging van sulke verenigde fonds toevertrou te word aan 'n gesaamlike bestuur bestaande uit verteenwoordigers van die rade wat lede is van die genoemde fonds en hulle bediendes, en vir die verkiesing van die lede van sulke bestuur ;

(iii) die onkoste van die beheer van 'n verenigde fonds aldus gestig bestry sal word deur die betrokke rade in sulke verhouding as van tyd tot tyd ooreengekom sal word ;

(iv) enige raad, anders as 'n raad betrokke by die stigting van sulke verenigde fonds, by besluit, goedgekeur deur die Administrateur en onderwerp aan sulke voorwaardes as onderling ooreengekom mag word deur die gesaamlik bestuur en die raad, tot enige verenigde fonds mag toetree ;

(34) alle uitgawes aangaan nodig gemaak vir die bereiking van enige doel van hierdie Ordonnansie of enige wysiging daarvan wat die raad gemagtig is uit te voer, of van enige doel waarvoor in hierdie Ordonnansie nie spesiaal voorsiening gemaak is nie wat die Administrateur mag bepaal 'n doel te wees behorende tot die uitoefening deur die raad van sy bevoegdhede en pligte kragtens hierdie Ordonnansie, met inbegrip van 'n redelike bedrag aan reiskoste en persoonlike onkoste van raadslede en amptenare tydens hulle vir die raad werksaam is ;

Uitgawes
waarin nie
voorsien nie.

(35) aan raadslede passe verleen wat hulle die reg gee sonder betaling in munisipale trems of omnibusse te reis ;

Passe
op trems.

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(ii) die vasstelling van die kontribusies, as daar is, daaraan by te dra deur sulke lede en deur die raad ;

(iii) vir periodieke waarderings van sulke fondse en vir die uitvoer gee aan enige verhoging van kontribusies daartoe of verlagings van die voordele wat daaruit ontstaan so as aangetoon mag word deur enige waardering wat nodig is vir die behoud van die solvabiliteit daarvan ;

(iv) vir voorskryf van die leeftyd waarop persone in die diens van die raad sal vergun word of verplig wees lede van die fonds te word en die leeftyd en die voorwaardes waarop hulle sal vergun of verplig word uit die diens van die raad te tree ;

(v) vir vasstelling van die bedrag van pensioen of ander voordeel betaal te word aan lede by aftreding uit die diens van die raad en aan hulle afhanklikes by oorlyde ;

(vi) vir die reëling van die beheer oor en belegging van fondse en die benoeming of verkiesing, waar nodig, van lede van 'n komitee vir daardie doel ;

(vii) vir toevertrou van eiendom, geld en/of bates aan sulke fondse behorende aan beheerders vir die doel van administrasie daarvan soos opgedra deur enige komitee van bestuur deur en teen wie alle regsgedinge wat op die fonds betrekking het ingestel sal word ;

(viii) vir die aftreding, ontslag en bedanking van lede van sulke komitee van bestuur of beheerders en vir aanvulling van vakatures daardeur ontstaan ;

(ix) dat geen pensioen of reg op 'n pensioen sal kan toegewys of oorgedra of op ander wyse daarvan afstand gedoen word of verpand of onder verband geplaas of in beslag geneem word of onderwerp aan enige vorm van voltrekking onder 'n vonnis of order van 'n geregshof en vir agterhouding, skorsing of gehele staking van die betaling daarvan in die geval dat die bevoordeelde sou trag enige pensioen of reg as voorsê toe te wys, oor te dra of op ander wyse af te staan, te verpand of onder verband te plaas ;

(x) dat in die geval dat enige persoon wat in die genot is van jaargeld deur enige hof in Sy Majesteits geweste skuldig bevind word en veroordeel tot gevangenisstraf sonder die

inbegrip van amptenare of bediendes van die raad) in staat te stel grond te verkry en/of woonhuise oprig, en sulke voorskotte met rente daarop in termynbetalings terugvorder, of op ander wyse na gelang die raad na eie diskresie mag ooreenkom met enige persoon aan wie 'n voorskot verleen is; mits dat woonhuise wat voorgestel word deur die raad gebou te word met geleende geld, onder kontrak gebou sal word nadat tenders gevra is;

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- (29) werke vir die fabrikasie van bakstene en tegels vestig, verkry, oprig, uitrus en dryf hetsy binne of buite die munisipaliteit en alle sulke dinge doen wat tot sulke fabrikasie behoort; Steenbakkerye.
- (30) kaffereethuise vestig, oprig, onderhou en dryf; Kaffereethuise.
- (31) die mediese of begrafniskoste betaal van enige persoon in diens van die raad wat verwondings opdoen of sterf tengevolge van 'n ongeval hom oorkom tydens sy werk of as 'n gevolg van siekte opgedaan tengevolge van sulke diens; Mediese onkoste van bediendes.
- (32) In gevalle waarin geen pensioen, voor sienings- of weldadigheidsfonds gestig is nie of in gevalle waarin geen voordele getrek word uit enige fonds gestig kragtens die eersvolgende subartikkel nie, uit sy inkomste pensioene of gratifikasies verleen aan amptenare of bediendes van die raad by aftreding uit die diens van die raad of andersins en aan die weduwees of afhanklikes van oorlede amptenare en bediendes van die raad; Pensioene, ens., uit inkomste.
- (33) (a) Met inagneming van die bepalings van sulke verordeninge as gemaak word kragtens paragraaf (b) hiervan, enige pensioen-, voorsienings- of weldadigheidsfonds stig, beheer en bestuur en daartoe bydra, bestem ten voordele van die amptenare en bediendes van die raad en uit enige sulke fonds pensioene of gratifikasies verleen aan sulke amptenare of bediendes by hulle aftreding uit die diens van die raad of andersins, of aan afhanklikes by oorlyde van sulke amptenare of bediendes; Pensioen, ens., uit fonds.
- (b) van tyd tot tyd verordeninge maak, verander en herroep kragtens die bepalings van deel II van hoofstuk VII van hierdie Ordonnansie, bepalende—
- (i) alle of enige van sy amptenare of bediendes toe te staan of van hulle te verlang lede van een of meer sulke fondse te word;

<p>Ord. No. 11 Grond vir van 1926. bewoning en industriële terreine.</p> <p>Art. 79.</p>	<p>(22) (a) boupersele uitlê op of op ander wyse enige grond wat aan die raad toebehoort onderverdeel vir die doel van woningskema's vir inwoners van die munisipaliteit of vir die doel van terreine vir fabriek, industriële besigheid of werkplaas ; (b) met inagneming van die bepalings van subartikel (18) hiervan, enige sulke persele of onderverdelings van grond en geboue daarop verhuur, verkoop, of op ander wyse vervreem of van die hand sit ;</p>
<p>Gebiede vir kleurlinge.</p>	<p>(23) op gronde onder sy beheer hetsy binne of buite die munisipaliteit sulke gebiede uit lê vir kleurlinge as wat wenslik geag mag word, mits dat geen sulke gebied ingestel sal word binne die jurisdiksiegebied van enige ander plaaslike outoriteit nie sonder die vergunning van sulke plaaslike outoriteit ;</p>
<p>Grond— Verkryging van.</p>	<p>(24) met die toestemming van die Administrateur deur vrywillige aankoop, of huur enige grond, regvan-weg, waterreg of enige ander eiendom of servituut binne of buite die munisipaliteit verkry, wat vir die doeleindes van hierdie Ordonnansie nodig mag wees, mits dat die toestemming van die Administrateur nie sal vereis wees nie waar geen vergoeding of slegs nominale vergoeding gegee word vir sulke verkryging of huur ;</p>
<p>Grond vir hinderlike bedrywe.</p>	<p>(25) met die toestemming van die Administrateur enige grond verkry vir van die hand setting by verkoop, verhuur of andersins en op sulke voorwaardes as die raad mag bepaal, aan enige persoon vir die doel daarop enige werk of bedryf van 'n hinderlike aard wat die raad bevoeg is te lisensieer, uit te oefen ;</p>
<p>Dipbakke.</p>	<p>(26) dipbakke vestig, oprig en onderhou, en in verband daarmee koste hef ;</p>
<p>Wasplekke, ens.</p>	<p>(27) publieke wasplekke, klosette en urinoirs bo of onder die grond, vestig, oprig en onderhou, en in verband daarmee koste hef ;</p>
<p>Wonings.</p>	<p>(28) Onderwerp aan die goedkeuring van die Administrateur— (a) woonhuise met daartoe behorende bygoue oprig en onderhou op persele of onderverdelings van grond genoem in subartikel (22) en in gebiede genoem in subseksie (23) hiervan ; (b) geboue in woonhuise verander en hulle verbou, vergroot, repareer en verbeter ; (c) voorskotte in geld op die sekuriteit van onroerende eiendom verleen vir die doel persone in die munisipaliteit woonagtig (met</p>

(c) dat alle gelde deur die raad ontvang van die verkoop van onroerende eiendom of die verlening van sulke kontrakte of huurkontrakte aangewend sal word vir die delging en aflossing van bestaande skuld gemaak vir kapitaaldoeleindes op sulke wyse, of waar geen skuld bestaan nie, vir sulke kapitaaluitgawe, as die raad op 'n rapport van die finansiële komitee mag bepaal; mits dat gelde ontvang ten opsigte van huurkontrakte aangegaan vir 'n tydperk van minder as tien jaar aangewend sal word na gelang die raad sal dienstig ag en mits verder dat waar behoorlike voorsiening gemaak is vir die aflossing van enige skuld die Administrateur die raad mag magtig alle inkomste en profyte deur die raad ontvang voortvloeiende uit regte genoem in artikel vier van die Dorpsgronde Ordonnansie 1904 (Transvaal), of ten opsigte van soortgelyke regte verkry kragtens enige wet en/of van alle gelde ontvang van die verkoop van onroerende eiendom of die verlening van kontrakte of huurkontrakte, anders as huurkontrakte van korter duur as tien jaar, mag aangewend word vir sulke kapitaaluitgawe as deur hom goedgekeur mag word;

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(19) met inagneming van die bepalings van subartikel (18) hiervan en nieteenstaande teenoorgestelde bepalinge in die Dorpewet enige grond wat aan hom toebehoor verhuur vir sulke tydperk en op sulke voorwaardes as die raad dienstig mag ag;

Grond—
Huurkon-
trakte van.

(20) met inagneming van die bepalings van die Dorpe. Dorpewet, dorpe vestig op grond, die eiendom van die raad;

(21) (a) met inagneming van die bepalings van enige wet wat betrekking het op dorpe of die registrasie van landboubesittings, persele uitlê op of op ander wyse enige grond wat aan die raad toebehoort onderverdeel vir die doel van tuinpersele, kleine hoewes of landbouhoewes;

Landboube-
sittings, ens.

(b) met inagneming van die bepalings van subartikel (18) hiervan, enige sulke persele of hoewes verhuur, verkoop of op ander wyse vervreem of van die hand sit;

(c) afsonderlike verordeninge maak, verander en herroep alleen toepaslik op landbouhoewes oor enige saak ten opsigte waarvan die raad bevoeg is kragtens hierdie Ordonnansie of enige proklamasie daaronder uitgevaardig, verordeninge te maak;

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Grond—Ver-
vreemding
van.

of onderhou, en beurse toeken om skoliere en studente aan enige van die genoemde inrigtings sowel as aan enige ander uniwersiteit wettiglik binne die Unie van Suid-Afrika gevestig assistensie te verleen by onderwys en vir onderhoud ;

(18) enige roerende of onroerende eiendom van die raad verhuur, verkoop of op ander wys vervreem of van die hand sit, insluitende die verlening van prospekteregte, opsiekontrakte, en die vervreemding van regte op minerale, edele en onedele metale en edele gesteentes op dorpsgronde op enigerlei wys bevoegd kragtens en onderwerp aan die bepalings van die Edele en Onedele Metale Wet, 1908, en enige wysiging daarvan, en die Edele Gesteentes Ordonnansie, 1903, of enige wysiging daarvan, mits—

(a) dat, behalwe in die geval van enige onroerende goed, waaromtrent deur wet spesiale voorsiening gemaak is, en behalwe in die geval van huurkontrakte, anders as huurkontrakte van dorpsgronde, wat nie notarieel voltrek behoef te word nie kragtens artikel *neën-en-twintig* van die Hereregte Proklamasie (No. 8) van 1902, of enige wysiging daarvan geen verkoop, verhuur of vervreemding van onroerende goed of die vervreemding van enige regte op minerale, of die verlening van enige prospekter of opsiekontrakte plaas sal hê nie of van krag sal wees totdat die toestemming van die Administrateur verkry is ;

(b) dat, behalwe in die geval van 'n huurkontrak beëindigbaar met nie meer as drie maande opsegging nie van albei kante voordat sulke toestemming verkry word, die besluit van die raad tot verkoop, verhuur, of op ander wys vervreem of van die handsit van onroerend eiendom of om sulke kontrakte of huurkontrakte te verleen minstens eenmaal per week vir drie agtereenvolgende weke gepubliseer sal word in een of meer nuusblade wat in die munisipaliteit sirkuleer, mits dat in alle gevalle van die vervreemding van die eiendomsreg van grond, of van die erfpag daarvan vir enige tydperk van meer as twintig jaar publikasie van sulke besluit ook sal plaas hê deur 'n voldoende aantal in die oog lopende plakkate aangebring in op of naby die grond wat voorgestel word te vervreem en sulke plakkate sal nie kleiner wees as dubbel demy in afmeting en die opskrif sal wees in drieduims letters ;

inrigtings, handels- of beroepskole, inrigtings vir die opleiding van persone in huishoudkunde, diens in die huishouding of huishoudelike werk of pligte, of publieke vrywillige verenigings of assosiasies in verband met die bestryding van siektes of in verband met kraamvroue of kindervelvaart, die opleiding van gesondheidsinspekteurs of gesondheidsbesoekers, onderrig in eerste hulp of huis of distriksverpleging of enige ander saak wat op volksgesondheid betrekking het ;

(b) met die vergunning van die Administrateur enige nasionale of publieke doel, tentoonstelling, organisasie of instelling ;

(c) enige vrywillige vereniging, assosiasie of klub of organisasie gevestig vir jongensverkenner van meisiesgidse of vir die welvaart van of vir spele en ontspanning van studente of skoolkinders of om sulke kinders behulpsaam te wees die seekus of ander plekke gedurende skoolvakansies te besoek ;

(d) enige fonds gestig vir die doel van onthaal of genot van die arme of die pasjente van enige hospitaal of gestig of liefdadige instelling ;

(e) die Transvaalse Munisipale Vereniging ;

(f) enige skietwedstryd ;

(16) van tyd tot tyd aan enige van die inrigtinge genoem in subartikkel (15) (a) hiervan enige munisipale diens kosteloos toestaan en verleen of teen sulke verminderde koste op die tariewe van tyd tot tyd van krag, as dienstig geag mag word ;

Toelae
Munisipale
diens.

(17) grond afstaan of hulptoelae gee aan—

(a) enige skool, klas of inrigting gevestig, onderhou of ondersteun in die Provinsie kragtens die Onderwyswet, 1907, of enige wysiging daarvan ; of

(b) die Uniwersiteit van die Witwatersrand, Johannesburg ; of

(c) die Uniwersiteit van Suid-Afrika of van enig daaraan verbonde kollege daarvan in die Provinsie gevestig ;

(d) enige ander Uniwersiteit wettiglik in die Provinsie gevestig ;

(e) enige inrigting of diens in die Provinsie behoorlik kragtens enige wet verklaar onder hoër onderwys opgeneem te wees ; of vir die doel enige kosinrigting of koshuis in verband met enige van die voornoemde inrigtings wat van geen private aard is nie vestig, uitbrei

Toelae—
Onderwys-
inrigtings.

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- Uitsluitende gebruik van ontspanningsgronde.
- Ontspanningsgronde, werktuie, ens. vir spele.
- Ontspanningsgronde—
Verversingslokale.
- Marke.
- Hulptoelae.
- raad die gebruik van sulke ontspanningsgrond te verhuur of af te staan, gepubliseer sal word op die wyse as bepaal deur paragraaf (b) van subartikel (18) hiervan ;
- (11) enige sulke gedeelte van enige ontspanningsgrond deur die raad gevestig afsonder as deur die raad mag bepaal word en uiteengesit in 'n kennisgewing aangebring op een of ander in die oog lopende plek op sulke ontspanningsgrond vir die doel van enige bepaalde spel of ontspanning en die publiek uitsluit van die gedeelte aldus afgesonder tydens dit vir die doel in werklike gebruik is.
- (12) enige apparaat vir spele en ontspannings verstrekk vir enige ontspanningsgrond deur die raad gevestig en vir die gebruik daarvan koste hef, of aan enige persoon, klub of ander liggaam van persone vergun enige sulke apparaat lewer op sulke voorwaardes as die raad mag bepaal ;
- (13) verversingslokale, kafees en restourants verskaf en onderhou op enige ontspanningsgrond deur die raad gevestig en in enige botaniese of dieretuin en by enig publiek bad gevestig kragtens subartikel (44) hiervan en sulke verversingslokale, kafees of restourants of self beheer of hulle verhuur aan enige persoon, klub of ander liggaam van persone op sulke voorwaardes as die raad mag bepaal ;
- (14) marke en markgeboue vestig, oprig, onderhou, reël en beheer en gedeeltes van sulke geboue en stalletjies verhuur en in verband daarmee koste belas ;
- (15) toelae in geld verleen vir—
(a) die vestiging en onderhoud—
(i) van publieke hospitale ;
(ii) van publieke biblioteke en skoolbiblioteke gevestig, onderhou of ondersteun kragtens die Onderwyswet, 1907, of enige wysiging daarvan ;
(iii) van die instellings in hierdie paragraaf genoem wat van geen private aard is nie (dat wil sê) kunsгаллerye, museums, dieretuine, land- en tuinbou verenigings, wetenskaplike en letterkundige instellings, insluitende hou van lesings oor wetenskaplike, letterkundige en ander onderwerpe, gestigte vir bejaardes, armoedige, sieke of gebrekkige, reddingshuise, weldadigheidsverenigings, tehuse vir behoeftige wese, onderstandskomitees en komitees wat distriksverpleegsters in diens het, onderwys

(8) ontspanningsgronde op dorpsgronde, en in parke, op pleine en ope ruimtes aan die raad afgestaan kragtens artikel *twee-en-sestig* hiervan in stel, onderhou, en beheer, en op enige grond deur die raad gehou in eiendom of erfpag, en mag in verband daarmee koste belas, mits dat in gevalle van grond in erfpag gehou die vergunning van die Administrateur vooraf sal verkry word ;

Ontspanningsgronde.

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(9) in verband met of op ontspanningsgronde deur die raad gevestigde akwariums, piere, paviljoens, kleeckkamers, wasplekke en ander gemakke, en enige ander geboue of oprigtings van welke aard ook en vir enige doel wat dit volgens die oordeel van die raad nodig of gerieflik is op te rig, maak, vestig, onderhou en uitvoer, en die algemene bestuur, reëling en kontrole daarvoor sal by die raad berus, wat van tyd tot tyd—

Ontspanningsgronde.
en werke en dienste.

(i) die koste sal vasstel, indien enige, wat sal belas word vir die gebruik daarvan, of

(ii) hulle of gedeeltes daarvan of enige regte daarin verhuur aan enige persoon of klub of ander liggaam van persone en sulke persoon, klub of liggaam magtig in verband daarmee koste te hef ;

(iii) voorskotte of lenings toe staan aan enige sportklub op sulke bepalings en voorwaardes as deur die Administrateur goed-gekeur mag word,

mits dat nieteenstaande teenoorgestelde bepalinge in hierdie Ordonnansie, tensy die raad anders sal besluit, die genoemde koste of enige huurprys daaronder betaal te word deur die raad sal vasgestel word sonder regulasie of verordening ;

(10) nieteenstaande teenoorgestelde bepalinge in hierdie Ordonnansie, onderwerp aan die goedkeuring van die Administrateur die gebruik van enige ontspanningsgrond en/of geboue wat daartoe behoer gevestig en opgerig deur die raad of enige deel van sulke ontspanningsgronde of geboue verhuur of afstaan aan enige skool, sportklub of vereniging van persone op sulke voorwaardes as die raad mag bepaal, en sulke skool, sportklub of vereniging van persone vergun koste te hef vir toegang tot ontspanningsgronde deur die raad verhuur of afgestaan ; mits dat tensy sulke ontspanningsgrond slegs tydelik gesluit is vir 'n tydperk van hoogstens drie dae kragtens artikel *vier-en-sestig* van hierdie Ordonnansie, die besluit van die

Gebruik van ontspanningsgronde.

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sulke vergadering oproep op sulke tyd en plaas as hy mag bepaal, en enige koste deur die burgemeester gemaak in verband met die oproeping en hou van enige sulke vergadering mag as die raad aldus sal besluit, gedek word uit die inkomste van die raad; mits dat geen sulke vergadering opgeroep sal word nie vir die doel die verkiesing van enige persoon as raadslid of as lid van enige munisipale liggaam of van die prowinsiale raad of van die parlement te bevorder, te bestry of te bespreek.

- Algemene bevoegdhedede.** 79. Die raad mag alle of enige van die volgende dinge doen, naamlik—
- Weë, ens., maak.** (1) weë, strate, pleine en ope ruimtes, damme, kanale, reservoirs, waterlope, vore, veerponte, duikers en brugge aan die raad afgestaan kragtens artikel *twee-en-sestig* hiervan, maak, bou, verander, en in 'n sindelike staat onderhou ;
- Gesondheidsdienste.** (2) sulke gesondheidsdienste vir die verwydering en vernietiging van of op ander wyse handel met vuil, uriene, vuilwater, vuilnis, karkasse van dooie diere, en afval van enige aard, instel, onderhou en verrig, en daarvoor sulke koste belas as die raad van tyd tot tyd mag bepaal ;
- Begraafplase.** (3) begraafplase vestig en onderhou en in verband daarmee koste belas ; en enige bestaande begraafplaas of kerkhof oorneem, beheer en onderhou vir begrawingsdoeleindes en enige kerkhof, munisipale, private of ander begraafplaas of grond of enig gedeelte daarvan binne die munisipaliteit, vir begrawingsdoeleindes sluit, mits dat geen sulke sluiting sal plaas hê nie totdat 'n besluit inhoudende die voorneme van die raad sulke sluiting te bewerkstellig aangeneem is deur 'n meerderheid van tweederdes van die raadslede wat as dan sitting het, en gepubliseer geword het in die *Prowinsiale Koerant* en in een of meer nuusblade wat in die munisipaliteit sirkuleer ;
- Munisipale geboue.** (4) enige geboue vir enige munisipale behoeftes of doel oprig, onderhou, en in reparasie hou ;
- Bome.** (5) bome in of op enige publieke plek plant, snoei of verwyder ;
- Bosaanplantingswerke.** (6) bosaanplantingswerke binne of buite die munisipaliteit vestig, uitrus, onderhou en uitvoer vir die produksie en verkoop van hout en alle dinge doen in verband daarmee ;
- Verlig van publieke plase.** (7) publieke plase verlig en vir die doel lampe plaas en onderhou ;

die geneeskundige gesondheidsamptenaar of van enige gesondheidsinspekteur hulle in sulke toestand bevind dat dit 'n oorlas is of 'n gevaar vir die gesondheid weens versuim hulle behoorlik te reinig, sal dié persone wat die gebruik daarvan het, onderling as voorsê, wat nalatig is, of by gemis aan bewys aangaande wie van die persone wat die onderlinge gebruik daarvan het nalatig is, dan sal elkeen van die persone blootstaan aan 'n straf van hoogstens vyf pond en enigeen van die persone wat versuim te voldoen aan 'n kennisgewing op hom deur die raad gedien, waarin van hom gevorder word die toestand van sulke agterplaas of sanitêre gemak te verhelp, sal verder blootstaan aan 'n straf van hoogstens tien sielings vir elke dag waarop sulke toestand sal bly voortbestaan na diening van sulke kennisgewing.

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77. (1) Die raad sal verplig wees te sorg vir die begrawing van alle arme persone wat binne die munisipaliteit sterf anders as dié wat—

Verpligting
van raad om
arme te
begrawe.

- (a) in hospitaal sterf (tensy hulle vir minstens drie maande in die munisipaliteit woonagtig was voor hulle opname in hospitaal in welke geval die raad verantwoordelik sal wees vir die begrawing en alle koste in verband daarmee);
- (b) in die gevangenis sterf; of
- (c) nie binne die munisipaliteit gewoon het nie vir 'n tydperk van drie maande voor hulle oorlyde, en die raad word hierby gemagtig enige uitgawe daarvoor nodig te maak.

(2) In gevalle van dié arme persone wat in hospitaal sterf dog wat in 'n andere munisipaliteit gewoon het vir minstens drie maande voor hulle opname in die hospitaal, sal die raad van sulke munisipaliteit verantwoordelik wees vir die betaling van alle koste in verband met die begrawing van sulke arme persone.

(3) As enige naturel in die munisipaliteit gebring deur enige persoon wat die besigheid uitoefen in naturelle-aanwerwer in die munisipaliteit sterf binne een maand na sy aankoms, dan mag die raad van sulke persoon of sy werkgewer of prinsipaal sulke begrawenskoste invorder as vasgestel is in die verordeninge op begraafplase asdan van krag.

78. Die burgemeester mag van tyd tot tyd as hy dit dienstig ag en op ontvangs van 'n rekwisiesie geteken deur sulke 'n aantal geregistreeerde kiesers vir die munisipaliteit, as van tyd tot tyd sal bepaal word by besluit van die raad of verordening, waarin hy versoek word 'n publieke vergadering op te roep van inwoners vir die bespreking van enige saak van publieke belang in die rekwisiesie genoem te word,

Oproep van
publieke ver-
gaderings.

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van 1926.**

hof sal, indien dit by behandeling van die applikasie oortuig is dat geen veranderings gemaak is nie tot voorkoming van enige sulke gevaar as genoem is in subartikel (1) voortvloei uit die okkupasie van sulke eiendom en dat die nodige stappe nie met bekwame spoed geneem word nie om sulke veranderings aan te bring, of dat die voortbestaan van enige gebou of van 'n gedeelte van sulke gebou 'n oorlas is of gevaarlik of nadelig vir die gesondheid van die publiek of van die bewoners van die naburige eiendomme, 'n order uitvaardig waarby die raad gemagtig word die gebou af te breek; mits dat die hof, as hy dit dienstig ag, die uitvoering van die order mag uitstel vir sulke tyd van hoogstens ses maande na gelang die hof voldoende ag om die eienaar 'n kans te gee die nodige veranderings aan te bring.

(b) Die raad mag van die eienaar van enig eiendom die koste terugvorder van afbreek van sulke gebou kragtens 'n order uitgereik onder hierdie artikel.

(6) (a) Enige kennisgewing deur hierdie artikel vereis gedien te word op enige persoon mag gedien word deur dit af te lewer aan, of aan die woonplek of besigheidsplek van die persoon aan wie dit gerig is of mag per aangetekende brief aan sulke persoon per pos gestuur word.

(b) As die eienaar van enige eiendom op wie 'n kennisgewing gedien moet word kragtens hierdie artikel nie binne die munisipaliteit woonagtig is of besigheid dryf nie of na redelike ondersoek daarin nie kan opgespoor word nie, dan sal sulke kennisgewing geag word voldoende gedien te wees indien aangeplak op die eiendom waarop dit betrekking het.

**Bewoning
van
rug-aan-rug
huise.**

75. (1) Niemand sal enige rug-aan-rug huis of woning binne die munisipaliteit geleë verhuur of vir bewoning of okkupasie gebruik, wat nie voorsien is nie van voldoende middels van deurlopende ventilasie ten genoegte van die geneeskundige gesondheidsamptenaar of enige kamer so geleë wat 'n deur in 'n buitemuur het en nie aldus voorsien is nie.

(2) Enige persoon wat hierdie artikel oortree sal blootstaan aan 'n boete van hoogstens vyftig pond en aan 'n verder boete van hoogstens twee pond vir iedere dag waarop sulke oortreding bly voortbestaan.

**Straf vir
ongesonde
agterplase,
ens.**

76. As enige agterplaaas of sanitêre gemak binne die munisipaliteit onderling gebruik word deur die bewoners van twee of meer afsonderlike woonhuise, of deur verskillende bewoners van dieselfde gebou, of deur ander persone, of dat die toegange tot, of die mure, vloere, sittings of fittings van sulke sanitêre gemakke volgens die oordeel van

enig eiendom sluit en die gebruik, okkupasie daarvan en toegang daartoe verbied waarop of waarin deur die geneeskundige gesondheidsamptenaar verklaar word in mens of diere builepesbesmetting te heers.

Die bepaling van die laasvoorafgaande subartikel wat betrekking het op die terugtrekking van 'n sluitingsorder sal *mutatis mutandis* toepaslik wees in die geval van enige order uitgevaardig kragtens hierdie subartikel.

(3) (a) Waar 'n sluitingsorder uitgevaardig is vir enige eiendom, sal die raad terstond 'n kopie van sulke order op 'n in die oog lopende plek op die eiendom laat aanplak.

(b) Enig persoon wat enig eiendom sal gebruik of okkupeer, waarvan die gebruik en okkupasie verbied was deur 'n sluitingsorder, gedurende die tyd dat sulke order van krag bly, sal blootstaan aan 'n boete van hoogstens tien pond, en aan 'n verder boete van hoogstens twee pond vir iedere dag waarop sulke gebruik of okkupasie bly voortgaan; mits dat na die aanplakking van 'n kopie van sulke order op die voorsegde wyse, ag-en-veertig ure tussenruimte of sulke langer tyd as die raad sal bepaal sal toegestaan word aan die persoon wat die eiendom okkupeer op die datum waarop die kopie van sulke order aldus aangeplak was, voordat sulke order op sulke persoon toegepas word.

(4) Die magistraatshof wat jurisdiksie besit in die munisipaliteit mag op die applikasie van die raad die reiniging en ontsmetting gelas van enige eiendom waarvoor 'n sluitingsorder was of kan uitgevaardig word kragtens hierdie artikel, en sal by sulke order 'n tyd voorskryf binne welke sulke reiniging of ontsmetting sal uitgevoer word; en by versuim van volledige nakoming van enige sulke order, mag die raad sulke eiendom betree of binnegaan en alle dinge doen nodig vir die volledige nakoming van die order, en mag deur vervolging in 'n bevoegde hof die koste en onkoste van en as 'n gevolg van die uitvoering daarvan invorder van die persoon teen wie die order gemaak was. Enige sulke order mag gemaak word teen die eienaar of op die bewoner van die genoemde eiendom.

(5) (a) As 'n sluitingsorder ten opsigte van enige gebou van krag gebly het vir 'n tydperk van drie maande, mag die raad na minstens veertien dae vooraf skriftelik kennis gegee te hê aan die eienaar van sulke eiendom van sy voorneme, in die magistraatshof wat binne die munisipaliteit jurisdiksie het applikasie maak vir 'n order waarby die afbreking van sulke eiendom gemagtig word, en sulke

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Art. 74.

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ondersoek nie kan opgespoor word nie, enige sulke kennisgewing, dagvaardiging of ander voorsegde proses geag sal word behoorlik gedien te wees indien bevestig op sulke tenk of waterbak, of aan enige gebou, oprigting, paal of bord op of in die onmiddellike nabyheid van sulke put, boorgat, tenk of waterbak.

Bevoegdheid
watervoor-
siening te
inspekteer.

73. Die raad mag, deur sy lede, amptenare of bediendes op alle redelike tyde sonder kennisgewing, inspekteer en monsters neem van, of informasie verlang oor die toestand en werking van alle vangterreine, riviere en kanale, bronne, putte, boorgate, reservoirs, filterbedde, watersuiveringswerke of pompmasjienerie, of ander bronne van wateraanvoer, bewaring, of leiding, wat hulle binne die munisipaliteit bevind, welke water daarin of daarvan gebruik word of wellik kan gebruik word deur persone binne die munisipaliteit vir drink of huis-houdelike doeleindes.

Bevoegdheid
van raad
eiendom te
sluit, te
reinig
en af te breek.

74. (1) Telkens wanneer dit die raad of 'n komitee daarvan blyk op die sertifikaat van die geneeskundige gesondheidsamptenaar dat enige eiendom tengevolge van gebrekkige of ondoelmatige konstruksie of inrigting, slegte toestand, gebrek aan lig, lug of ventilasie of om ander redes in 'n staat verkeer so gevaarlik of nadelig vir die gesondheid dat dit ongeskik is vir menslike bewoning of gevaar oplever vir die gesondheid van die bewoners van enige naburig eiendom, mag die raad, na minstens sewe dae vooraf skriftelik kennis gegee te hê van sy voorneme aan die eienaar van sulke eiendom en aan die okkuperende huurders (as daar is), applikasie maak by die magistraatshof wat in die munisipaliteit jurisdiksie besit, vir 'n order tot sluiting van sulke eiendom, en sulke hof mag op sulke applikasie 'n order uitvaardig kragtens welke sulke eiendom gesluit word en die gebruik en okkupasie daarvan te verbied, tot sulke tyd as die hof oortuig sal wees dat veranderings aangebring is, hetsy deur afbreking of herbou van enige gebou of andersins, sodat voorkom word dat enige sulke gevaar as voorsê ontstaan uit die okkupasie van sulke eiendom, en sulke hof mag daarna, na aldus oortuig te wees op applikasie van die eienaar van sulke eiendom, sulke order intrek ten opsigte van die gehele of enige deel van sulke eiendom, mits dat die eienaar van sulke eiendom, alvorens sulke applikasie te maak, minstens ag-en-veertig ure vooraf skriftelik kennis sal gee aan die raad van sy voorneme die applikasie te maak.

(2) Die magistraatshof wat jurisdiksie in die munisipaliteit het mag op die applikasie van die raad, sonder kennisgewing aan die eienaar, onmiddellik

die bevoegdheid deur hierdie artikel toegeken, vergesel wees van enige blanke lid van die poliesiemag wettiglik in die Provinsie gevestig.

(3) Enige verordeninge of regulasies gemaak kragtens hierdie Ordonnansie mag aan die raad, sy amptenare en beamptes sulke bevoegdhede tot inspeksie, ondersoek en uitvoering van werke toeken as redelikerwys nodig is vir die behoorlike uitvoering of toepassing daarvan.

72. Die raad mag deur sy lede, amptenare of bediendes alle putte, boorgate, tenks en waterbakke binne die munisipaliteit inspekteer, waarvan die water daarin of daaruit gebruik word of wellig gebruik sal word deur persone vir drink of huishoudelike doeleindes, of vir die vervaardiging van drankie vir die gebruik van persone, of as 'n bestanddeel in die vervaardiging van enige artikel bestem vir voedsel vir menslik gebruik; en as by enige sulke inspeksie of op aanwysing van enige persoon te eniger tyd blyk dat sulke water so verontreinig is dat dit nadelig is vir die gesondheid of dat aan enige verordeninge wat daarop betrekking het nie voldaan is nie, sal die raad van die eienaar of bewoner van die eiendom waartoe die put, boorgat of waterbak behoort verlang dit onmiddellik te sluit of te verhelp en in geval aan sulke kennisgewing nie voldaan word nie, dan mag die raad vervolging instel voor enige bevoegde hof hetsy by wyse van dagvaardiging of applikasie; en by enige vervolging teen sulke persoon vir sulke nie-nakoming of vir oortreding van enige verordening, mag die hof in geval van skuldigebevinding, 'n order uitvaardig ten effekte dat die put, boorgat, tenk of waterbak permanent of tydelik gesluit moet word deur sulke persoon of mag sulke order uitvaardig as wat vereis of noodsaaklik mag blyk tot voorkoming van nadeel vir die gesondheid van persone wat die water daaruit gebruik, en mag die skuldige persoon bowendien veroordeel tot 'n boete van hoogstens vyf pond. Die hof mag verder, indien dit noodsaaklik blyk, die water laat analiseer op koste van die raad, en mag by uitvaardiging van sulke order, die raad verder magtig, as die persoon op wie 'n order uitgevaardig is kragtens hierdie artikel versuim daaraan te voldoen binne 'n tydperk deur die hof redelik geag, alles te doen wat nodig is om aan sulke order uitvoering te gee, en alle onkoste deur die raad gemaak mag terstond ingevorder word van die persoon waarteen die order gemaak was; mits dat in geval enige sulke put, boorgat, tenk of waterbak hom op ongeokkupeerde grond bevind binne die munisipaliteit, waarvan die eienaar (of een of ander deur hom behoorlik gemagtigde persoon) na redelik

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Bevoegdheid
putte, boor-
gate, tenks en
waterbakke
te inspekteer
en hulle te
sluit.

Ord. No. 11
van 1926.

Prowinsiale Koerant aan die raad vergunning mag verleen in enige skut welke die raad gevestig het diere op te neem wat blootstaan aan skut buite die grense van die munisipaliteit kragtens die bepalinge van die Skutte Ordonnansie 1913 en enige wysiging daarvan en mag by soortgelyke kennisgewing sulke vergunning van tyd tot tyd verander, wysig of intrek. Die Administrateur mag van tyd tot tyd regulasies maak, verander of herroep—

- (1) vir die beheer van skutte deur die raad ;
- (2) vir vasstelling en omskrywe van die koste verskuldig deur eienare van geskutte diere ;
- (3) aangaande die voorwaardes waaronder geskutte diere deur die raad mag verkoop word ;
- (4) aangaande die oordrag van eiendom in sulke diere by sulke verkoop ;
- (5) tot reëling van die toegang van polisie tot skutte sonder volmag.

Bevoegdheid
tot toegang.

71. (1) Nieteenstaande teenoorgestelde bepalinge in enige wet, sal die raad bevoeg wees self of sy amptenare of bediendes enige eiendom binne die munisipaliteit te betree of binne te gaan, so nodig met geweld, vir die doel enige bevoegdheid tot inspeksie, ondersoek of uitvoering van werk uit te oefen wat aan die raad verleen is kragtens hierdie Ordonnansie of kragtens enige verordening of regulasie van krag binne die munisipaliteit, mits dat behalwe vir die doel van verrigting van enige gesondheidsdiens of vir enige ander doel waarvoor spesiaal voorsiening gemaak is in hierdie Ordonnansie of enige ander wet, van sulke bevoegdheid tot toegang geen gebruik sal gemaak word nie ten opsigte van eiendom wat nie gebruik word nie vir die doel van of in verband met enige bedryf of besigheid en nie geleë is in 'n natuurlike lokasie, behalwe tussen die ure 7 v.m. en 7 n.m. tensy daar of—

(a) redelike grond bestaan vir die vermoede dat enige handeling wat 'n oorlas veroorsaak of 'n oortreding van hierdie Ordonnansie of enige verordening of regulasie in die munisipaliteit van krag uitmaak op sulke eiendom op enige ander uur begaan word ; of

(b) op redelike gronde toegang tot sulke eiendom op enige ander uur noodsaaklik blyk te wees vir die doel te handel met enige geval van besmetlike of aansteeklike siekte of enige uitbreek van brand, weglomp van water of ander onverwagte gebeurtenis, hetsy werklik of veronderstel.

(2) Die geneeskundige gesondheidsamptenaar of enige gesondheidsinspekteur mag wanneer hy enige eiendom betree of binnegaan vir die uitoefening van

(2) Enige persoon wat enige sulke nommer of naam verniel, afbreek of onleesbaar maak, of sonder die vergunning van die raad enige nommer of naam aanbring wat afwyk van die nommer of naam deur die raad aangebring, sal by skuldigbevinding blootstaan aan 'n boete van hoogstens tien pond.

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68. Die raad mag kontrakte aangaan vir die doel van enige werk of diens wat hyself kragtens hierdie Ordonnansie of kragtens enige proklamasie daaronder uitgevaardig bevoeg is te onderneem of uit te voer; mits dat die raad die party of partye waarmee hy kontrakteer nie sal vrystel van die toepassing van enige verordeninge of regulasies nie, dog sal inteeendeel beding dat die party of partye waarmee hy kontrakteer binne die munisipaliteit by die uitvoering van die kontrak onderwerp sal wees aan alle verordeninge en regulasies; mits verder dat die Raad by besluit enig van sy amptenare mag magtig namens die Raad kontrakte te teken van sulke aard of beskrywing as sal omskrewe wees in die verordeninge van die Raad.

Bevoegdheid
kontrakte
aan te gaan.

Alle sulke kontrakte wettiglik aangegaan sal vir die raad en vir sy opvolgers geldig en bindend wees, en alle ander partye daartoe, hulle opvolgers, erfgename of wettige verteenwoordigers (na gelang van omstandighede).

69. Nieteenstaande teenoorgestelde bepalinge in artikel vier van die Winkelure Ordonnansie, 1923, en enig wysiging daarvan, sal die rade van die munisipaliteite Pretoria, Johannesburg en van enige ander munisipaliteit waarop die Administrateur deur proklamasie in die *Prowinsiale Koerant* die bepalinge van hierdie artikel toepaslik sal verklaar, bevoeg wees vergunning te verleen aan persone wat in die besit is van 'n lisensie vir enige gebou gelisensieer as 'n teekamer, kafee, koffiekamer, of restaurant, sulke gebou vir die publiek oop te hou tussen sulke ure na die laaste sluitingsuur voorgeskrywe vir enige sulke winkel kragtens die genoemde Ordonnansie en onderwerp aan sulke voorwaardes as die raad dienstig mag ag. Die raad mag sulke ekstra fooi belas vir enige voorreg hieronder verleen as deur verordening mag voorgeskryf word. Enige vergunning verleen kragtens die bepalinge van hierdie artikel mag te eniger tyd verander of ingetrek word.

Middernag-
voorregte
aan restou-
rants, ens.

70. Die raad mag skutte vestig, dog mag in enige skut welke hy gevestig het geen dier opneem nie wat aan skut blootstaan buite die grense van die munisipaliteit kragtens die bepalinge van die Skutte Ordonnansie, 1913 en enige wysiging daarvan, mits dat die Administrateur deur kennisgewing in die

Bevoegdheid
skutte te
vestig.

- Ord. No. 11 van 1926. Bevoegdheid sekere andere publieke plekke permanent te sluit.
- 66.** Nieteenstaande teenoorgestelde bepalinge in hierdie Ordonnansie, mag die raad, met die toestemming van die Administrateur, en onderwerp aan sulke voorwaardes as hy mag oplê, permanent hetsy geheel of gedeeltelik enige plein, ope ruimte, tuin, park en ander afgeslote ruimte aan die raad afgestaan kragtens artikel *twee-en-sestig* van hierdie Ordonnansie, sluit, mits dat wat betref die uitoefening van die bevoegdheid hierby aan die raad verleen die bepalinge van subartikels (1) tot en met (6) van die onmiddellik voorafgaande artikel *mutatis mutandis* toepaslik sal wees; mits verder dat, indien die voorwaardes deur die Administrateur opgelê die afsondering insluit van andere gebiede in die plek van dié gesluit, die Administrateur die Landmeter-generaal en die Registrateur van Aktes daarvan sal kennis gee; en die Landmeter-generaal sal, na voorsien te wees, so nodig, deur die raad, van 'n kaart opgemaak deur 'n bevoegde landmeter, aantoonende alle besonderhede van die genoemde nuwe gebiede, op die algemene kaart van die stad of dorp of op die kaart van die grond waarop die genoemde gebiede gekies is, na gelang van omstandighede, endosseer dat sulke gebiede, pleine of ope ruimtes, of tuine of parke is, en die Registrateur van Aktes sal daarmee ooreenkomende aantekeninge maak in sy registers en sulke endossemente op die tittelbewyse as mag nodig wees. Daarop sal sulke pleine, ope ruimtes, tuine of parke, na gelang van omstandighede, geag word onteien te wees en afgesonder deur behoorlik gesag as omskrewe in artikel *twee-en-sestig* hiervan en die kontrôle en beheer daarvoor sal by die raad berus.
- Nommer van huise en name gee aan publieke plekke.
- 67.** (1) Die raad mag van tyd tot tyd die huise, geboue, of oprigtings wat geleë is aan alle of enige publieke plekke laat merk met sulke nommers as hy mag dienstig ag, en mag die naam, waaronder enige publieke plek sal bekend staan op 'n in die oog lopende plek van enige huis, gebou, omheining, muur, of plek wat daarop uitkom laat aanbring of verf, en mag verder na diskresie enige sulkenommer of naam verander of wysig, hetsy sulke nommer of naam al of nie bestaan het voor die inwerkingtree van hierdie Ordonnansie, en van enige verandering of wysiging in die naam van enige publieke plek sal onmiddellik deur die raad aan die Landmeter-generaal kennis gegee word, wat die nodige veranderinge op die algemene kaart van die dorp sal maak. Van sulke veranderings of wysigings sal ook terstond deur die raad aan die Posmeester-generaal kennis gegee word.

sluit of te verlê, of enige ander persoon gegrief deur sulke sluiting of verlegging te eniger tyd binne sestig dae as voorsê op die Administrateur skriftelike kennisgewing sal dien van enige beswaar teen sulke sluiting of verlegging, dan sal, tensy sulke beswaar ingetrek word, sulke sluiting of verlegging nie sonder die toestemming van die Administrateur plaas het nie.

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Art. 65.

(5) Na diening van enige sulke beswaar mag die Administrateur 'n kommissie van een of meer persone benoem om 'n ondersoek in te stel na die voorgestelde sluiting of verlegging en die beswaar daarteen, en daaroor te rapporteer; en op ontvangs van die rapport van sulke kommissie mag die Administrateur 'n order uitvaardig waarby die voorgestelde sluiting of verlegging nie toegestaan word nie, of dit toe staan met sulke verandering (indien enige) as hy nodig mag ag.

(6) As die sluiting of verlegging deur die Administrateur toegestaan word of as daar geen beswaar teen is nie kragtens subartikel (4) van hierdie artikel en die raad 'n aanvang maak met die uitvoering van sulke sluiting of verlegging, dan sal hy, by voltooiing van die werk, daarvan aan die Administrateur kennis gee, wat, na behoorlike ondersoek of die sluiting of verlegging behoorlik uitgevoer is ooreenkomstig hierdie artikel, die Landmeter-generaal en die Registrateur van Aktes of ander registrasie amptenaar kennis gee dat die sluiting of verlegging behoorlik kragtens hierdie Ordonnansie uitgevoer is en die Landmeter-generaal sal, na deur die raad voorsien te wees van 'n kaart opgemaak deur 'n bevoegde landmeter, aantoonende alle besonderhede van die geslote of verlegde strate sulke wysiging laat aanbring op die algemene kaart van die stad of dorp as nodig is om sulke sluiting of verlegging aan te dui en die Registrateur van Aktes of ander registrasie-amptenaar sal daarop daarmee ooreenkomende aantekenings in sy registers maak.

Sulke voorwaardes en beperkings sal nie toepaslik wees nie in die geval van enige sluiting of verlegging van 'n straat, wat gemagtig is kragtens die bepalings van die Plaaslike Bestuur Weë Ordonnansie 1904 of enig wysiging daarvan.

Die uitdrukking "straat" soas in hierdie artikel gebruik sal insluit 'n straat, weg, deurgang, voetpad, syfad of laan aan die raad afgestaan kragtens artikel twee-en-sestig van hierdie Ordonnansie.

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Bevoegdheid
van raad
strate perma-
nent te sluit
of te verlê.

gebruik daarvan mag verhuur of verleen aan enige persoon of liggaam van persone, onderwerp aan enige sulke voorwaardes as die raad mag bepaal.

65. Die raad mag, niesteenstaande teenoorgestelde bepalinge in hierdie Ordonnansie, enige straat permanent sluit of verlê, mits dat die raad, by uitoefening van sulke bevoegdheid, onderwerp sal wees aan die volgende voorwaardes en beperkings, dat wil sê:—

(1) Voordat die raad die sluiting of verlegging sal toestaan, sal minstens veertien dae vooraf op 'n vergadering van die raad van die voorneme dit voor te stel, kennis gegee word.

(2) Voordat aan die sluiting of verlegging uitvoering gegee word, sal die raad 'n tekening opmaak wat die aard daarvan aandui, en sal minstens sestig dae voordat daarmee aangevang word aan die Administrateur kennis gee en deur publikasie in die *Prowinsiale Koerant* en in een of meer nuusblade wat in die munisipaliteit sirkuleer, as ook deur 'n voldoende aantal in die oog lopende aankondigings aangebring op of naby die straat wat die raad van plan is te sluit of te verlê; die kennisgewing sal 'n plaas vermeld waar genoemde tekening op alle redelike ure ingesien kan word; die raad sal verder minstens dertig dae voordat sulke sluiting of verlegging plaas het 'n kopie van sulke kennisgewing dien op die eienare of beweerde eienare van alle eiendom wat aan die gedeelte van die straat geleë is wat die raad van plan is te sluit of te verlê, wie sy adres na redelik ondersoek kan uitgevind word.

(3) Enige sulke eienaar, huurder, of bewoner of enige ander persoon wat gegrief is deur sulke sluiting of verlegging sal bevoeg wees binne die tydperk van die voorsegde sestig dae op die raad 'n skriftelike vordering te dien vir kompensasie as 'n gevolg van sulke sluiting of verlegging, en die raad sal aan sulke persoon vergoeding verleen vir enige skade daardeur aan hom veroorsaak, die bedrag van sulke vergoeding sal by gemis van ooreenkoms deur arbitrasie beslis word; mits dat by skatting van die bedrag van vergoeding betaalbaar aan enige persoon hieronder die voordeel of nut deur sulke persoon getrek of getrek te word om rede van sulke sluiting of verlegging in aanmerking geneem sal word.

(4) As enige persoon belanghebbende as eienaar huurder of bewoner in enige eiendom wat aan die straat geleë is, wat die raad van plan is te

terrein sal laat omskrywe en registreer op die wyse as deur wet voorgeskryf; mits verder dat geen aldus afgesonderde terrein sal verkoop, verhuur, of op ander wyse van die hand gesit sal word nie vir enige ander doel as publieke of munisipale geboue of speelgrond doeleindes as voorsê; mits verder dat ten opsigte van enige aldus afgesonderde terrein wat vir 'n tydperk van tien jaar nie sal gebruik word nie vir die oprigting en onderhoud van 'n gebou vir 'n publieke of munisipale doel of vir speelgrond doeleindes as voorsê, die voorsegde toestemming van die Administrateur teruggetrek mag word en daarop sal die Registrateur van Aktes of ander registrasie-amptenaar, op applikasie van die Administrateur, in sy registers aantekening maak van die feit dat sulke toestemming teruggetrek is.

Vir die doeleindes van hierdie artikel sal die uitdrukking "publieke geboue" insluit 'n publieke skoolgebou of 'n losieshuis opgerig uit publieke fondse of andersins en uitsluitend gebruik vir koshuise of onderwys doeleindes in verband met enige publieke skool of skole gevestig en onderhou kragtens die Onderwyswet, 1907 (Transvaal), of enig wysiging daarvan.

(2) Waar 'n terrein op enige plein of gedeelte van 'n plein of op enige ander ope ruimte of gedeelte daarvan deur die raad afgesonder is kragtens die laasvooraangaande subseksie vir 'n skoolkoslosieshuis, sal die Goewernement of die raad (na gelang van omstandighede) onderwerp aan die twee laasgenoemde voorwaardes van die genoemde subartikels, die reg hê die terrein aldus afgesonder oor te dra aan enige persoon of liggaam van persone aanspreeklik vir die inrigting en onderhoud of oprigting van genoemde skoolkoslosieshuis.

64. Nieteenstaande teenoorgestelde bepalinge in hierdie Ordonnansie mag die raad op alle tye, en op sulke kennisgewing as hy dienstig mag ag, en vir enige doel welke ook, tydelik enige plein of ander ope ruimte, tuine, parke en ander ingeslote ruimtes aan die raad afgestaan, sluit, en mag tydelik of permanent, vir enige bepaalde klas van verkeer of tydelik vir alle verkeer, enige straat, weg of deurgang aan die raad afgestaan, sluit, of enige sulke straat, weg of deurgang tydelik verlê, vir die doel om reparasies te verrig, of vir enige ander doel, in die diskresie van die raad; mits dat waar enige sulke sluiting permanent is, die goedkeuring van die Administrateur vooraf verkry moet word en mits verder dat die raad gedurende enige tydelike sluiting van enige publieke plek hieronder die tydelike

Bevoegdheid tot tydelike sluiting van publieke please.

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(b) pleine en ander ope ruimtes, tuine, parke, en ander afgesluite ruimtes ;

(c) brugge, duikers en veerponte ;

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

wat was of sal afgesonder en toegeëien word deur enige wettige gesag vir die gebruik en genot van die publiek, of waarop die inwoners van die munisipaliteit te eniger tyd 'n gemeen reg sal hê of verkry, en hulle sal op naam van die raad staan in bewaring om hulle oop te hou (behalwe as in hierdie Ordonnansie anders bepaal is), en in goeie staat vir sover as die geldmiddele van die raad dit toelaat, vir die gebruik en genot van die inwoners ; mits dat niks hierin vervat enige van die munisipaliteite waardeur die hoofrifweg loop aanspreeklik sal stel vir sy aanleg of onderhoud nie.

Vir die doeleindes van hierdie artikel—

(i) sal die uitdrukking “afgesonder en toegeëien deur wettige gesag” beteken die deponering op die Kantoor van Aktes of ander registrasiekantoor van enige dorpskaart deur die Landmeter-generaal goedgekeur, waarop sodanig weë, strate, pleine, waarop die publiek 'n gemeenreg van gebruik het, gemerk is ;

(ii) sal die uitdrukking “aan die raad afgestaan” beteken die wettelike afstand aan die raad van 'n servituut vir die doeleindes in hierdie artikel genoem op die aldus afgestane eiendom, dog sal die *dominium* van sulke eiendom nie insluit nie, behalwe wanneer sulke *dominium* deur enige wet uitdruklik op die raad oorgaan.

Bevoegdheid tot oteiening van publieke pleine, ens., vir sekere doeleindes.

63. (1) Nieteenstaande teenoorgestelde bepalinge in hierdie Ordonnansie, mag die raad, met die toestemming van die Administrateur, op enige plein of gedeelte van 'n plein of enige ander ope ruimte of gedeelte daarvan aan die raad afgestaan kragtens die laasvoorafgaande artikel, 'n terrein of terreine afsonder vir die oprigting van publieke of munisipale geboue en/of vir speelgronde in verband met enige publieke skool of skole gevestig en onderhou kragtens die Onderwyswet, 1907 (Transvaal) of enige wysiging daarvan, en sulke geboue laat oprig en onderhou, of vergun dat hulle deur die Regering of Prowinsiale Administrasie opgerig en onderhou word op aldus afgesonderde terreine, en sulke terreine laat omhein of vergun omhein te word ; mits dat die raad of Regering of Prowinsiale Administrasie (na gelang van omstandighede) die *dominium* van sulke terrein of terreine sal besit of verkry en die aldus afgesonderde

(2) Vir die doeleindes van hierdie artikel sal onder die persone wat 'n onwettige betaling maak of daarvoor magtiging verleen opgeneem word alle raadslede of lede van enige komitee van die raad wat aanwesig was op die vergadering van die raad of van die komitee waarop vir sulke betaling magtiging verleen was, en wat hulle stem teen die besluit om vir sulke onwettelike betaling magtiging te verleen, nie in die notule het laat opteken nie.

Ord. No. 11
van 1926.

HOOFSTUK VI.

BEVOEGDHEDE EN PLIGTE VAN MUNISIPALE RADE.

DEEL I.—ALGEMENE BEVOEGDHEDE.

61. (1) Onderwerp aan die bepalinge van artikels *twaalf* en *veertien* van die Volksgesondheids Wet 1919, sal die raad van tyd tot tyd 'n stadsklerk en 'n geneeskundige gesondheidsamptenaar benoem, wat 'n persoon sal wees behoorlik geregistreer as 'n geneeskundige kragtens enige wet alsdan in hierdie Provinsie van krag op die registrasie van geneeskundiges, en mag ook sulke ander amptenare aanstel as die raad mag dienstig ag, en mag sulke salarisse en toelae aan enige sulke amptenare betaal as die raad mag bepaal; en tensy anders sal bepaal word in die kontrak met of in die aanstellingsvoorwaardes van 'n amptenaar van die raad, mag die raad sulke amptenaar te eniger tyd ontslaan met vooraf minstens een maand kennisgewing of, in geval van wangedrag, onmiddellik sonder kennisgewing; mits egter dat geen amptenaar wat die betrekking beklee van stadsklerk, stadstesourier, stadsingenieur, of geneeskundige gesondheidsamptenaar uit sy betrekking sal ontslaan word nie tensy en totdat tot sulke ontslag besluit word deur 'n meerderheid van raadslede teenwoordig op 'n spesiaal vir daardie doel belegde vergadering, en mits dat die aantal lede wat in die meerderheid stem gelyk is aan 'n meerderheid van die volle raad, en mits verder dat in die geval van 'n geneeskundige gesondheidsamptenaar die Minister aan die raad kennis gegee het van sy goedkeuring tot sulke ontslag.

Aanstelling
van stads-
klerk en
andere
amptenare.

(2) Niemand mag hieronder benoem word wat 'n lid van die raad is of wat sulk 'n lid was gedurende die voorafgaande ses maande.

62. Die raad sal die kontrôle en beheer hê oor alle—

Strate, pleine,
ens., in besit
van die raad.

(a) weë, strate, deurgange, insluitende trottoirs, voetpade, sypade en lane;

Ord. No. 11 Bevoegdheids
van 1926. van
ouditeurs.

59. Vir die doel van enige oudit kragtens die bepalinge van die laasvooraafgaande artikel, mag die ouditeur getuieenis hoor en afneem en getuie onder ede ondervraag (welke eed die ouditeur hierby gemagtig word af te neem) en, deur oproeping onder sy hand, te vorder dat sulke persone as hy mag goedvind persoonlik voor hom verskyn op 'n tyd en plek in sulke oproeping vermeld te word en alle sulke boeke en dokumente (met inbegrip van die notule van die verrigtings van die raad of van enige komitee van die raad) wat vir sulke oudit nodig mag wees te toon. Enige aldus opgeroepe persoon wat sonder wettige verontskuldiging sal weier in gehoorsaamheid aan sulke oproeping te verskyn of wat, nadat hy verskyn is, sal weier onder ede ondervraag te word, of sulke eed af te lê, of, na sulke eed afgelê te hê, sulke vrae te beantwoord as hom mag gestel word, sal blootstaan aan 'n boete van hoogstens twintig pond vir iedere sulke handeling of oortreding; mits dat geen veroordeling kragtens hierdie artikel geag sal word die veroordeelde persoon vry te stel van die verpligting die handeling, saak of ding van hom verlang deur hom gedoen of verrig te word, of van latere vervolging, veroordeling en straf vir iedere sulke handeling of oortreding.

Bevoegdheid
van ouditeur
tot surcharge.

60. (1) Die ouditeur of ouditeurs deur die Administrateur aangestel sal elke betaling wraak wat sonder behoorlike wettelike magtiging gedoen is en daarmee die persoon of persone debiteer wat die onwettige betaling gedoen of daartoe magtiging verleen het, en sal teen 'n ieder wat daarvoor verantwoordelik is die bedrag opbring van elke tekort of verlies deur agteloosheid of wangedrag van sulke persoon of persone veroorsaak, of van alle gelde wat deur sulke persoon of persone had moet verantwoord word, en sal in elke geval die bedrag deur sulke persoon verskuldig sertifiseer. Elke som aldus deur die ouditeur gesertifiseer sal binne veertien dae na aldus gesertifiseer te wees deur sulke persoon of persone betaal word aan die stadsklerk of ander amptenaar deur die raad aangestel, en kan, indien nie aldus betaal nie, van sulke persoon of persone ingevorder word as 'n skuld deur die ouditeur, aan wie deur die raad sulke redelike onkoste, gemaak in verband met sulke stappe, betaal sal word. Elke som op die wyse ingevorder sal aan die stadsklerk of ander amptenaar deur die raad aangestel om inkomste aan die raad betaalbaar in ontvangs te neem en daarvoor kwitansie te gee, betaal word; met die verstande dat die Administrateur die somme teen iemand opgebring geheel of gedeeltelik mag kwytskeld.

(2) As geen persoon of persone anders as die benoem kragtens die bepalings van hierdie artikel tot ouditeurs van die rekenings van die raad benoem word kragtens die bepalings van artikel *honderd vyf-en-vyftig* van hierdie Ordonnansie, sal die raad binne drie maande na die datum waarop die ouditeur benoem kragtens hierdie artikel die rekenings van die raad vir enige finansiële jaar teken, aan die Administrateur sulke som betaal as die Administrateur van tyd tot tyd mag vasstel, wat nie meer sal wees nie as 1 persent van die totale uitgawe van die raad wat verantwoord en gesertifiseer is deur sulke ouditeur vir die finansiële jaar, mits dat sulke som in geen geval minder as vyf pond sal wees nie, en mits verder dat waar vir die doel van 'n noukeurige oudit die rekenings van enige munisipaliteit moet bygewerk, vereffen of gebalanseer word deur die ouditeur wat die verifikasie verrig, 'n na verhouding hoër fooi, soas die Administrateur sal vasstel, bereken en betaal sal word.

**Ord. No. 11
van 1926.**

Art. 58.

(3) Waar enige koste deur die raad aan die Administrateur betaalbaar is kragtens hierdie artikel, sal dit die plig van sulke ouditeur wees minstens eenmaal in elke finansiële jaar te sertifiseer of al of nie—

- (a) die rekenings van die raad in orde is ;
- (b) afsonderlike rekenings van alle bedryfs-ondernemings (as daar is) aangehou is ;
- (c) die uitgemaakte rekenings 'n ware en juiste denkbeeld gee van die finansiële posiesie van die raad, van sy transaksies, en van die resultate van sy bedryf (as daar is) ;
- (d) behoorlike voorsiening gemaak is vir die aflossing en terugbetaling van enige gelde deur die raad geleen, hetsy in die vorm van munisipale pandbriewe, wissels, of andersins ;
- (e) die bedrae afgesonder vir waardevermindering en veroudering van werktuie en gereedskappe toereikend is ;
- (f) die waarde van die besittings van die munisipaliteit billik opgegee is ;
- (g) al sy of hulle voorskrifte en aanbevelings (as ouditeur of ouditeurs) opgevolg en uitgevoer is.

(4) Die stadsklerk sal verplig wees onmiddellik op ontvangs van die prowinsiale sekretaris van die rekenings van die raad en die oudit inspeksie rapport of rapporte daarvoor of afskrifte daarvan hulle by die burgemeester en/of voorsitter van die finansiële komitee in te dien en hulle daarna op sy eersvolgende vergadering aan die raad voor te lê.

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bepalings van artikels *een-en-vyftig* of *twee-en-vyftig* hiervan en sulke regulasies vir goedkeuring by die Administrateur indien, wat hulle met of sonder verandering mag goedkeur en sulke regulasies sal, wanneer goedgekeur, in die *Prowinsiale Koerant* gepubliseer word; mits egter dat as die raad sal versuim sulke regulasies op te trek en die vir goedkeuring deur die Administrateur in te dien binne 'n tydperk van twaalf maande van die datum waarop die Administrateur van die raad sal vorder die regulasies kragtens hierdie artikel op te trek, sulke regulasies deur die Administrateur gemaak mag word.

(2) Die raad sal jaarliks uit sy inkomste sulke somme afsonder vir waardevermindering as nodig is kragtens regulasies ingevolge hierdie artikel gemaak.

(3) Die stadstesourier sal verplig wees onmiddellik registers aan te lê van al die roerende bate en werktuie en gereedskappe van die raad.

DEEL II.—REKENINGS EN OUDIT.

Rekenings
gehou te
word.

55. Die raad sal sorgdra dat behoorlike boeke verstrekk en daarin ware en gereelde verantwoordings gehou word van alle somme ontvang en betaal op rekening van en vir die raad, en van die onderskeie doeleindes waarvoor sulke somme geld ontvang en betaal is.

Finansiële
jaar.

56. Die rekenings van die raad sal opgemaak en 'n uittreksel daarvan minstens een maal in iedere finansiële jaar gepubliseer word, en vir die doeleindes van hierdie Ordonnansie sal die finansiële jaar die twaalf maande wees wat eindig op en insluitende die dertigste dag van Junie in elke en iedere kalenderjaar.

Raad jaar-
likse
begroting op
te maak.

57. Minstens veertiën dae voor die afloop van enige finansiële jaar sal die finansiële komitee 'n begroting in besonderhede opmaak en op 'n gewone of spesiale vergadering van die raad indien, van die inkomste en uitgawe van die raad vir die aanstaande finansiële jaar. 'n Afskrif van sulke staat sal in die notule van die raad opgeneem word.

Administra-
teur, inspek-
teurs en
ouditeurs te
benoem.

58. (1) Die Administrateur sal een of meer persone wat staatsamptenare is benoem om van tyd tot tyd die rekenings en aantekeninge van die raad na te gaan en die raad sal, deur die stadsklerk of ander deur die raad gemagtigde amptenaar aan die aldus aangestelde persoon of persone alle boeke en rekenings van die munisipaliteit met alle betaalbewyse tot staving daarvan en alle boeke, dokumente en geskryfte in sy besit wat daarop betrekking het voorlê.

applikasie van die persoon aan wie sulke terugbetaling verskuldig is of van sy gevolmagtigde verteenwoordiger.

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van 1926.

(7) Die hof kan op sulke applikasie behalwe enige order wat die hof bevoeg is kragtens subartikel (5) e maak, as hy dit dienstig ag, gelas dat 'n eiendom waardeur die lening gedek is verkoop moet word, onderwerp egter aan die bepalings van enige wet wat betrekking het op die vervreemding van enige gronde kragtens sulke wet in die raad gevestig.

(8) Nieteenstaande teenoorgestelde bepalinge vervat in subartikel (17) van artikel *een-en-vyftig* van Ordonnansie No. 3 van 1903, sal die sekuriteit vir wissels uitgegee kragtens die bepalings van daardie Ordonnansie, die sekuriteit wees deur subartikel (2) van hierdie artikel bepaal.

(9) Nieteenstaande enigiets in hierdie artikel vervat, sal Ordonnansie No. 3 van 1903 [soas gewysig deur Ordonnansies No. 23 van 1903 en No. 1 (Privaat) van 1904] of enige verdere wysiging van die Ordonnansie, van toepassing bly op die munisipaliteit Johannesburg, en dit sal aan die raad van daardie munisipaliteit nie geoorloof wees nie geld te leen deur middel van pandbriewe of wissels behalwe op die wyse as deur daardie Ordonnansie voorgeskrywe.

52. Die raad mag van enige bank by wyse van Oortrekkings. oortrekking voorskotte verkry in sulke bedrae en op sulke voorwaardes as die Administrateur mag goedkeur; en die bepalings van die laasvooraangaande artikel omtrent die waarborg vir sulke voorskotte en vir die invordering daarvan sal in alle opsigte toepaslik wees as of sulke voorskotte lenings was gesluit kragtens die laasvooraangaande artikel.

53. Behalwe wanneer enige lening of voorskot by Onwettig leen. wyse van oortrekking gemagtig is as voorsê, sal geen persoon of bank wat aan 'n raad geld leen enige middel of reg hoegenaamd hê om sulke lening of voorskot van die raad terug te vorder. Indien 'n raad enige geld leen wat hy wettiglik nie verplig is terug te betaal nie, sal alle lede wat deelgeneem het aan die verlening van die magtiging vir die lening van sulke geld gesaamlik en afsonderlik aanspreeklik wees vir die terugbetaling van die som en alle rente daarop, en dit mag van hulle deur geregtelike vervolging in 'n bevoegde hof ingevorder word.

54. (1) Die raad sal verplig wees regulasies op te Regulasies op waardevermindering. rek voorsiening makende vir die jaarlikse afsondering deur die raad van toereikende bedrae tot dekking van die waardevermindering van werke en werktuie aangekoop uit enige lenings opgeneem kragtens die

Ord. No. 11 Leningsbe-
van 1926. voegdhede.

51. (1) Die raad mag met 'n meerderheid van die lede teenwoordig op 'n vergadering spesiaal vir daardie doel belê (mits dat die aantal lede wat in die meerderheid stem gelyk is aan 'n meerderheid van die volle raad) van tyd tot tyd lenings aangaan tot sulke bedrae en op sulke voorwaardes as deur die Administrateur, onderwerp aan die bepalings van hierdie Ordonnansie, goedgekeur mag word.

(2) Sulke lening sal gedek wees deur en sonder onderskeid belas word op alle gronde, huurgelde, eiendom, en inkomste van die raad, met inbegrip van enige gronde wat spesiaal tot beskikking van die raad geplaas mag word kragtens die bepalings van enige wet en met inbegrip van alle belastings wat die raad kragtens die bepalings van enige wet aldan van krag, mag oplê; mits dat hierdie artikel nie geag sal word aan die raad enige bevoegdheid toe te ken nie om sulke grond te vervreem op ander wyse as deur sulke wet verleen is.

(3) Waar enige sulke lening aangegaan word deur uitgifte van effekte, sal die bepalings van Ordonnansie No. 3 van 1903 met uitsondering van artikel *een-en-vyftig* daarvan, *mutatis mutandis* toepaslik wees.

(4) As te eniger tyd enige rente verskuldig op enige lening (anders as effekte) vir neëntig dae onbetaal bly nadat 'n eis daarvoor skriftelik by die stadsklerk ingedien is deur die persoon wat daarop reg het of deur sy behoorlik gemagtigde verteenwoordiger, dan mag deur sulke persoon of sy verteenwoordiger in enige bevoegde hof applikasie gemaak word vir die aanstelling van 'n ontvanger van die eiendom en inkomste waarop die lening aangegaan is.

(5) Na hoor van sulke applikasie mag die hof sulk 'n order maak en sulke voorskrifte gee as onder die omstandighede dienstig mag blyk vir die verkryging en betaling van die verskuldigde gelde. In die besonder mag die hof gelas dat 'n belasting of belastings van sulke bedrag of bedrae as die hof mag bepaal, gehef mag word van alle belasbare eiendom binne die munisipaliteit, en enige belasting aldus gelas gehef te word sal gelykgeregterig wees met enige belasting deur die raad opgelê, en mag op dieselfde wyse ingevorder word, en die opbrings daarvan sal in die hof betaal word of andersins na gelang die hof sal bepaal.

(6) As te eniger tyd die terugbetaling van sulke lening of van enige termyn daarvan agterweë bly na verloop van 'n tydperk van dertig dae van die datum waarop sulke lening of termynbetaling verskuldig is, dan mag dieselfde geregtelike stappe geneem word op

sulke bewoner sal 'n geldige en voldoende kwytskelding wees vir die bedrag aldus betaal of ingevorder as betaling van huur of ander bedrag.

(3) Die Raad mag rente belas en invorder op agterstallige koste vir sanitêre dienste teen 'n skaal van hoogstens 7 persent per jaar.

49. Geen transport van enige eiendom binne 'n munisipaliteit sal deur enige registrasieamptenaar gepasseer of geregistreer word nie totdat 'n skriftelike verklaring in die vorm vermeld in die Vierde Bylae van hierdie Ordonnansie en geteken en gesertifiseer deur die stadsklerk of ander amptenaar daartoe deur die raad gemagtig, aan sulke registrasieamptenaar sal getoon word, nog tensy sulke verklaring aantoon—

Betaling van belasting, fooi en ander koste voor transport van eiendom.

(a) dat alle koste vir 'n tydperk van twee jaar onmiddellik voorafgaande aan die datum van applikasie vir transport verskuldig ten opsigte van sulke eiendom aan gesondheidsdienste en wettiglik bereken kragtens hierdie Ordonnansie of enige verordening of regulasie; en

(b) dat alle koste (as daar is) vir 'n tydperk van twee jaar onmiddellik voorafgaande aan die datum van applikasie vir transport verskuldig ten opsigte van sulke eiendom aan belasting opgelê kragtens die Plaaslike Bestuur Belasting Ordonnansie 1912 of enige wysiging daarvan, of aan erfbelasting;

(c) dat alle somme (as daar is) verskuldig aan enige onkoste gemaak of voorskotte verleen deur die raad kragtens subartikel (4) van artikel *een-en-tagtig* subartikels (3) en (4) van artikel *drie-en-tagtig* subartikel (10) van artikel *honderd ses-en-vyftig*, en subartikel (1) van artikel *honderd sewen-en-sestig* van hierdie Ordonnansie of kragtens Deel III van die Johannesburg Munisipale Ordonnansie 1905;

aan die raad betaal is.

Die stadsklerk of ander deur die raad gemagtigde amptenaar word hierby opgedra die genoemde verklaring op versoek af te gee aan die eienaar van die eiendom of sy prokureur of agent teen betaling deur hom van 'n fooi by besluit van die raad vasgestel te word, welke fooi nie meer as twee sielings en ses pennies sal bedra nie vir elke sulke verklaring.

50. Die boeke en registers van die raad en enige uittreksels daarvan gesertifiseer deur die stadsklerk, of ander daartoe deur die raad gemagtigde amptenaar, sal by enige regsdinge vir die invordering van gelde vir gesondheidsdienste of koste vir die lewering van gas, water, of elektrisiteit, of vir enige andere munisipale diens *prima facie* bewys wees van die bedrae daarvoor verskuldig.

Boeke van raad *prima facie* bewys te wees van verskuldigde somme.

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HOOFTSTUK V.

FINANSIEEL.

DEEL I.—INKOMSTE EN LENINGSBEVOEGDHEDE.

- Inkomste van raad.** 47. Die inkomste van die raad sal bestaan uit—
- (a) alle belastings deur die raad gehef ;
 - (b) alle boetes deur 'n bevoegde hof opgelê en verbeurde borgstellings vir die oortreding van verordeninge, regulasies, of die bepalinge van hierdie Ordonnansie ;
 - (c) alle fooie en belastings opgelê deur die raad en alle lisensiegelde vir lisensies deur die raad uitgereik en alle markgelde, tolgelde, huurgelde, skutfooie, en belastings op honde welke die raad mag vorder of hef ;
 - (d) alle koste deur die raad gemaak vir die lewering van elektrisiteit, gas, water, tremweg, bus en gesondheidsdienste, en tewens alle koste of profyte wat voortvloei uit enige bedryf, diens of onderneming deur die raad gedryf kragtens enige aan hom toegekende bevoegdhede ;
 - (e) alle andere fooie, gelde of koste invorderbaar deur die raad of waarop die raad reg het kragtens hierdie Ordonnansie of enige ander wet.
- Invordering van gesondheidsbelastinge.** 48. (1) Alle gelde verskuldig vir gesondheidsdienste sal invorderbaar wees van die eienaar en bewoner gesaamlik en afsonderlik van die eiendom waarvoor die dienste verleen was, mits dat die eienaar by gemis aan enige ooreenkoms daarmee in stryd, geregtig sal wees van die bewoner wat dan die genoemde eiendom bewoon enige sulke koste deur hom betaal weens die okkupasie deur sulke bewoner terug te vorder.
- (2) As enige koste verskuldig ten opsigte van enige eiendom aan gesondheidsdienste onbetaal bly vir 'n tydperk van ses weke na die datum waarop deur die raad skriftelik kennis gegee is aan die eienaar of bewoner van sy skuld, mag die raad op enige tyd binne twaalf maande na sulke datum gesaamlik en afsonderlik teen die dan eienaar en bewoner van sulke eiendom 'n vordering instel vir die bedrag van sulke koste of enige deel daarvan en mag die koste van sulke eienaar of bewoner invorder ; mits dat elke sulke bewoner die reg sal hê van enige huurgelde of ander bedrag deur hom aan die eienaar van die eiendom betaalbaar enige gedeelte van sulke koste af te trek deur hom betaal of van hom ingevorder kragtens hierdie subartikel wat die eienaar nie wettiglik van hom kon verlang het te betaal nie, en die vertoning van die kwitansies vir sulke gedeelte van sulke koste aldus betaal deur of ingevorder van

beloning van welke aard ook eis of aanneem anders as sy wettige salaris, loon en toelae, dan sal hy daarna onbevoeg wees om enige betrekking of amp kragtens hierdie Ordonnansie te beklee of te bly beklee en sal blootstaan aan 'n boete van hoogstens vyftig pond. Enige profyte, fooi of beloning wat aan so'n amptenaar of bediende toegekome het of mag toekom tengevolge van sulke koop, kontrak of ooreenkoms, mag deur die raad voor enige bevoegde hof ingevorder word.

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(2) Niks in hierdie artikel sal toepaslik wees nie op enige kontrak vir die lewering deur die raad van enigiets of die verrigting deur hom van enige diens teen die gewone gepubliseerde koste vir sulke lewering of diens, nog op die aankoop van eiendom of goedere deur die raad by publieke veiling van die hand gesit, nog op enige aankoop of verhuur van grond en/of geboue, nog op die oprigting van 'n woonhuis of die verlening van 'n voorskot in geld vir die doel 'n woonhuis op te rig onder en kragtens die Woningwet 1920, of artikel *neën-en-sewentig* (28) van hierdie Ordonnansie, mits dat die voorwaardes van sulke aankoop, verhuur, oprigting, of voorskot onderwerp sal wees aan die goedkeuring van die Administrateur.

46. Geen saak of ding verrig of nie verrig nie, en geen kontrak aangegaan deur die raad, en geen saak of ding verrig of nie verrig nie deur enige raadslid of amptenaar of bediende van die raad of ander persoon, wat op aanwysing van die raad handel sal, as die saak of ding verrig of nie verrig was nie of die kontrak te goeder trou was aangegaan vir die doeleindes van hierdie Ordonnansie of van enige verordening of regulasie van krag in die munisipaliteit, so 'n persoon persoonlik aanspreeklik maak vir enige handeling, skuld, vordering, eis, of aanmaning van welke aard ook; en enige onkoste deur die raad of so 'n persoon as voorsê bevoeg sal deur die raad uit sy inkomste betaal word; mits dat niks in hierdie artikel so 'n raadslid, amptenaar, of bediende of ander persoon as voorsê sal vrystel van die aanspreeklikheid om gedebiteer te word met die bedrag van enige betaling wat nie mag erken word nie deur die ouditeur benoem deur die Administrateur kragtens artikel *ag-en-vyftig* van hierdie Ordonnansie in die rekenings van die raad en waartoe sulke raadslid magtiging gegee het of dit saam met andere gemagtig het.

Vrystelling
van bediendes
en lede van
die raad van
persoonlike
aanspreeklik-
heid.

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Diskwalifika-
sie waar
setel opgegee
is.

43. Enig raadslid wat sy setel moet opgee kragtens enige van die bepalings van hierdie hoofstuk, sal vir 'n tydperk van drie jare daarna nie kan verkies word nie as raadslid vir enige munisipaliteit, of die amp te beklee van vrederegter, of sitting te neem op enig waarderings- of lisensiehof.

Straf vir lede
en amptenare
wat hulle laat
omkoop en
vir persone
wat trag lede
en amptenare
om te koop.

44. (1) Enige raadslid of enige amptenaar, of bediende van die raad of enige persoon wat ten behoeve van die raad enige wettelike bevoegdheid of plig uitoefen, wat, hetsy vir homself of vir enige ander persoon wederregtelik vra of ontvang of ooreenkom enige fooi, guns of beloning (hetsy geldelik of andersins) aan te neem as 'n aansporing tot of as vergoeding vir of andersins om iets te doen of na te laat iets te doen in verband met enige saak welke ook of transaksie (werklik of voorgestel) waarby die raad betrokke is, sal by skuldigbevinding blootstaan aan 'n boete van hoogstens vyfhonderd pond of aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens vyf jaar en bowendien, in die geval van enige sulke amptenaar of bediende aan ontslag uit sy betrekking, en aan verlies van alle aanspraak op kompensasie of pensioen waarop hy anders geregtig sou gewees het, en in die geval van 'n raadslid, sal hy *ipso facto* onbevoeg wees om raadslid te bly of verkies of benoem te word tot enige publieke amp vir 'n tydperk van sewe jare van die datum van sulke skuldigverklaring.

(2) Enige persoon wat direk of indirek aan 'n raadslid of aan enige amptenaar of bediende van die raad of aan enige persoon wat ten behoeve van die raad enige bevoegdheid of plig deur 'n wet opgelê of gegee uitoefen, enige fooi, voordeel of beloning gee of aanbied of beloof, hetsy tot voordeel van sulke raadslid, amptenaar of bediende, of van iemand anders as 'n aansporing of as vergoeding of andersins dat deur sulke raadslid, amptenaar of bediende iets gedoen word of nagelaat word iets te doen in verband met enige saak of handeling (werklik of voorgestel) waarby die raad betrokke is, sal by skuldigbevinding blootstaan aan 'n boete van hoogstens seshonderd pond of aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens sewe jaar of aan albei sulke boete en gevangenisstraf.

Geen ampte-
naar of
bediende
van raad
belang te hê
by enige koop
of kontrak
van die raad.

45. (1) Geen amptenaar of bediende van die raad sal op enigerlei wyse betrokke wees by of belang hê in enige koop, kontrak, of ooreenkoms van welke aard ook aangegaan deur of met die raad. As so'n amptenaar of bediende aldus betrokke is of belang het of, deur gebruik te maak van sy betrekking of werkkring, enige belofte, fooi, of

van hierdie artikel voldoen is en aan die Administrateur kennis te gee van enige gevalle waarin hom voorkom dat enige versuim om aan sulke bepalings te voldoen, begaan is.

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41. (1) Geen raadslid sal in of voor die raad of enige komitee daarvan teenwoordig wees nie by of deelneem aan die bespreking van of stem oor enige onteiening of aankoop van grond deur die raad, vordering, aansoek om lisensie, reëling, besigheidstransaksie, onderhandeling, plan van gebou, skema, saak of regsgedinge waarby hy, sy vrou, sy vennoot, of enige persoon by wie hy of sy vennoot in diens is, of wie se prokureur of agent hy of sy vennoot is, direk of indirek enige geldelike belang het.

Raadslid
nie te spreek
of te stem nie
in gevalle
waarby hy of
sy vennoot
geldelik
belang het.

Enige raadslid wat die bepalings van hierdie subartikel oortree sal by skuldigbevinding blootstaan aan 'n boete van hoogstens vyftig pond, en die hof waarvoor hy veroordeel is mag gelas dat hy sy setel sal opgee, en sy setel sal daarop vakant word; mits dat die hof geen sodanige order sal uitvaardig nie indien bewys word dat sulke oortreding voortgespruit is uit 'n vergissing of onagsaamheid en nie is toe te skrywe aan gebrek aan goeie trou nie.

(2) Nieteenstaande enigiets in hierdie Ordonnansie vervat sal geen raadslid belet word nie te stem oor of deel te neem aan bespreking in of voor die raad of enige komitee daarvan van

- (i) enige skema vir die oplegging van spesiale belastings; of
- (ii) die tarief van koste vir, of die regulasies en voorwaardes in die algemeen toepaslik op die lewering deur die raad van enige ding, of die verlening deur die raad van enige diens hetsy in die gehele munisipaliteit of enige gedeelte daarvan.

42. 'n Raadslid sal nie persoonlik of deur sy vennoot of bediende optree as agent of verteenwoordiger van iemand anders nie—

Raadslid nie
op te tree nie
as agent voor
hof of
komitee deur
raad aan-
gestel.

- (a) voor enige waarderingshof deur die raad benoem kragtens die Plaaslike Bestuur Belasting Ordonnansie 1912 of enige wysiging daarvan; of
- (b) voor enige ander hof of komitee deur die raad benoem vir die behandeling van die aanslaan in die belasting van eiendom by wyse van spesiale belasting of andersins; of
- (c) voor enige komitee van die raad benoem applikasies vir enige lisensie of sertifikaat te oorweeg of te behandel welke die raad bevoeg is te verleen of uit te reik.

Enige raadslid wat hierdie artikel oortree sal by skuldigbevinding sy setel opgee en blootstaan aan 'n boete van hoogstens vyftig pond.

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—
Art. 40.

notule van die raadsvergadering waarop dit gedoen is deur die raadslid of deur die stadsclerk gerapporteer, mits egter dat dit nie sal nodig wees dat enige sodanige kennisgewing gedien word nie

(a) deur enige raadslid ten opsigte van enige kontrak of onderneming waarvoor die raad uitdruklik magtiging mag verleen om met sulke raadslid aangegaan te word in sy eie naam; of

(b) deur enige raadslid wat na sy laaste verkiesing as raadslid skriftelik aan die stadsclerk kennis gegee het dat hy enige belang het in enige firma of vennootskap, met betrekking tot enige kontrak of onderneming wat die raad uitdruklik mag magtig met sulke firma of vennootskap aan te gaan.

(4) Enige raadslid wat hierdie artikel oortree deur te versuim van sy belang in enige kontrak of onderneming met die raad of onderkontrak of latere onderneming soas hierby vereis word, kennis te gee, sal by veroordeling blootstaan aan 'n boete van hoogstens vyftig pond en by wanbetaling aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens drie maande en die hof waarvoor hy veroordeel word mag gelas dat hy teenoor die raad verantwoording aflê van enige profyte wat aan hom mag toekom ten opsigte van sulke kontrak of onderneming, en dat hy sy setel sal opgee en sy setel sal daarop vakant word; mits egter dat die hof geen sulke order sal uitvaardig nie indien bewys word dat die versuim van enige raadslid om sulke kennisgewing te dien toe te skrywe was aan siekte, afwesigheid uit die munisipaliteit, vergissing, agteloesheid of een of ander sodanige oorsaak en nie te wyte was aan enige gemis van goedertrou nie.

(5) Die stadstesourier of as daar geen stadstesourier is nie, die stadsclerk, sal verplig wees iedere maand volgens die beste informasie wat hy in staat is te verkry 'n staat op te maak aantoonende alle kontrakte of onderneminge deur die raad aangegaan of gemagtig gedurende die voorafgaande maand waarby enige raadslid belang het anders as 'n aandeelhouer in 'n maatskappy met beperkte aanspreeklikheid en die name van die raadslede wat daarby aldus belang het, en sulke staat op die eerste vergadering gehou nadat die staat opgemaak is aan die raad voor te lê, en sulke staat sal in die notule van sulke vergadering opgeneem word.

(6) Die ouditeur van die rekenings van die raad deur die Administrateur benoem sal verplig wees van tyd tot tyd die aantekeninge van die raad na te gaan met die doel sig te oortuig of aan die bepalings

tyd aantekeninge van die raad na te gaan met die doel sig te oortuig of aan die bepalings van hierdie artikel voldoen is, en aan die Administrateur enige gevalle te rapporteer waarin hom blyk dat daar enige versuim gewees het om aan sulke bepalings te voldoen.

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40. (1) Die bepalings van hierdie artikel sal van toepassing wees op elkeen van die rade ingestel of hierna ingestel kragtens hierdie Ordonnansie waarop die bepalings van die laasvooraangaande artikel nie van toepassing gemaak is nie.

Raadslede
wat
kontrakteer.

(2) Behalwe soas bepaal is in artikel *ag-entertig* van hierdie Ordonnansie en in artikel *ses* van die Munisipale Verkiesings Ordonnansie 1912 (soas gewysig deur artikel *een* van Ordonnansie No. 13 van 1925) en artikel *honderd vyf-en-twintig* hiervan, sal aan geen raadslid verbied wees, omrede van sy amp, om met die raad kontrakte aan te gaan nie, hetsy as verkoper, koper of andersins, nog sal enige kontrak of onderneming aangegaan deur of namens die raad of enige onderkontrak of later onderneming in verband met enige sulke kontrak waarby enige raadslid op enigerlei wyse direk of indirek betrokke is om daardie redes vermy of onaanneembaar geag word, nog sal enige raadslid wat op die wyse kontrakteer of aldus daarin belang het nie aansprakelik wees nie, behalwe in die hierna genoemde geval om teenoor die raad verantwoording af te lê vir enige profyt gemaak op sulk 'n kontrak of onderneming omdat sulke raadslid sy amp bekleed of om rede van die fidusiëre verwantskap wat daardeur ontstaan is.

(3) Waar enige raadslid anders as aandeelhouer in 'n maatskappy met beperkte aanspreeklikheid belang het in enige kontrak of onderneming met die raad of onderkontrak of later onderneming in verband met sulke kontrak of onderneming wat volgens die bepalings daarvan die uitgawe of ontvangs daarvan deur die raad van honderd pond of meer met sig bring, dan sal so'n raadslid verplig wees voor of op die vergadering van die raad waarop sulk 'n kontrak gesluit of onderneming aangegaan of goedgekeur word, as sy belang daarin dan bestaan of as sy belang daarin later verkry word, binne 'n redelike tyd en in elke geval nie later as een maand na verkryging van sulke belang nie, daarvan aan die raad kennis gee en as daarvan geen kennis gegee is op 'n vergadering van die raad nie, dan kan daarvan per brief gerig aan die stadsklerk kennis gegee word, wat deur hom op die eerste vergadering gehou na ontvangs van sulke brief gerapporteer sal word en enige sulke kennisgewing sal opgeneem word in die

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(2) Enig raadslid wat hierdie artikel oortree sal by veroordeling blootstaan aan 'n boete van hoogstens vyftig pond, en die hof waarvoor hy veroordeel word mag gelas dat hy aan die raad die bedrag sal terugbetaal van enige fooie deur hom ontvang deurdat hy gehandel het as voorsê en dat hy sy setel sal opgee, en daarop sal sy setel vakant word.

Bepalings
aangaande
raadslede wat
belang het by
kontrakte
met die raad.

39. (1) Die bepalings van hierdie artikel sal toepaslik wees op die rade van die munisipaliteite genoem in die derde bylae van hierdie Ordonnansie en op sulke ander rade waarop die Administrateur van tyd tot tyd die genoemde bepalings mag toepas deur Proklamasie in die *Prowinsiale Koerant*.

(2) Geen raadslid sal of vir hom self of namens sy vrou of namens 'n deelgenootskap waarin hy of sy vrou belang het met die raad kontrakteer vir die uitvoering deur die raad of sulke raadslid of vennootskap van enige werk of as verkoper, koper, of andersins, en enige kontrak of onderneming aangegaan deur of ten behoeve van die raad waarby 'n raadslid op enigerlei wyse direk of indirek betrokke is sal van nul en geen waarde wees nie, en enige onderkontrak of later onderneming aangegaan deur enig raadslid of waarby hy op enigerlei wyse direk of indirek betrokke is ten opsigte van werk verrig te word of goedere gelewer te word of eiendom getranspoteer te word kragtens enige kontrak aangegaan deur die raad sal ook van nul en geen waarde wees nie; mits dat geen kontrak of onderneming sal vermy of op sy gesit word nie kragtens die bepalings van hierdie subartikel waar 'n raadslid slegs by sulke kontrak of onderneming belang het as aandeelhouer in 'n maatskappy wat 'n aandeelkapitaal het of waar die kontrak is vir die lewering deur die raad van enigiets of die verlening deur hom van enige diens teen die gewone gepubliseerde koste vir sulke lewering of diens of waar 'n raadslid grond of goedere koop wat die raad by publieke veiling van die hand sit.

(3) Enige raadslid wat hierdie artikel oortree sal by veroordeling blootstaan aan 'n boete van hoogstens vyftig pond, en by wanbetaling aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens drie maande. Die hof waarvoor hy veroordeel word mag gelas dat hy aan die raad verantwoord word sal aflê van enige profyte welke aan hom mag toekom ten opsigte van sulke kontrak of onderneming en dat hy sy setel sal opgee, en sy setel sal daarop vakant word.

(4) Die ouditeur van rekenings deur die Administrateur benoem kragtens artikel *ag-en-vyftig* van hierdie Ordonnansie sal verplig wees van tyd tot

(2) Ieder kontrak en alle bekentenisse en dokumente wat die raad wettiglik bevoeg is aan te gaan en uit te voer sal geag word behoortlik gesluit en aangegaan te wees deur of namens die raad indien geteken deur die burgemeester of plaasvervangende burgemeester van die munisipaliteit of deur een of meer raadslede of deur die stadsklerk, daartoe by besluit van die raad gemagtig.

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37. Alle verrigtings van die raad of van enige persoon wat optree as burgemeester, plaasvervangende burgemeester, raadslid of stadsklerk (na gelang van omstandighede) sal, niesteenstaande dat ontdek word dat daar enige onreëlmatigheid was by die verkiesing of aanstelling van die persoon wat aldus optree of dat hy gediskwalifiseer was, ewe geldig en afdoende wees as of die persoon behoortlik verkies of aangestel en gekwalifiseer was.

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

HOOFSTUK IV.

GEDRAG VAN LEDE EN BEDIENDES VAN MUNISIPALE RADE.

38. (1) Geen raadslid of sy vennoot of sy werkgewer of bediende sal vir 'n beloning optree as 'n advokaat, prokureur, notaris, transport- of verbanduitmaker of wetsagent hetsy namens of teë die raad, en geen raadslid of sy vennoot of sy werkgewer of bediende sal vir die raad teen beloning optree as geneeskundige, veearts, argitek, ingenieur, landmeter, boekhouer, afslaer, skatter of in enige ander professionele hoedanigheid; mits dat niks in hierdie artikel toepaslik sal wees nie op die betaling aan enige geneeskundige van sulke fooi as voorgeskrywe is deur wet, of verordening of regulasie vir die afgifte aan die raad van 'n sertifikaat van aangifte van enige geval van besmetlike siekte, en mits verder dat 'n geneeskundige vir die raad mag optree, indien daartoe aangesoek deur 'n meerderheid van twee-derde van die raad en met die toestemming van die Administrateur en mits verder, dat in die geval van enige reëling wat bestaan by die inwerkingtreding van hierdie Ordonnansie waaronder enig werkgewer van 'n raadslid in 'n professionele kapasiteit vir die Raad optree, sodanige reëling mag bly bestaan, niesteenstaande enigiets daarmee in stryd in hierdie artikel, tot afloop van die tydperk waarvoor sulke raadslid verkies was kragtens enige wet deur hierdie Ordonnansie herroep of kragtens die Munisipale Verkiesings Ordonnansie 1912 en enig amendement daarop.

Raadslede, hulle vennote werkgewers of bediendes verbied te handel voor of teen raad in professionele hoedanigheid teen beloning.

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as daar nie so'n nuusblad bestaan nie, dan deur aanplakking buite op die hoofdeur van die munisipale kantore en op twee of meer andere in die ooplopende plekke binne die munisipaliteit, van 'n kennisgewing vermeldende die strekking van sulke kontrak en enig persoon wat bereid is dit te onderneem uitnodigende vir dié doel voorstelle by die raad in te dien.

(2) Die raad sal sulke voorstelle nie oorweeg nie of die kontrak sluit totdat volledige en soortgelyke besonderhede verstrekkend is aan ieder persoon wat daarvoor by die raad applikasie maak binne drie dae nadat die genoemde kennisgewing vir die eerste maal gepubliseer of aangeplak was. Sulke besonderhede sal deur die raad aan die applikante verstrekkend word binne tien dae nadat die kennisgewing vir die eerste maal gepubliseer of aangeplak was.

(3) Die raad of die komitee daarvan behoorlik deur die raad gemagtig, sal, met inagneming van alle omstandighede, die voorstel aanneem wat hom die voordeligste voorkom, en mag waarborg vorder vir die behoorlike en getroue nakoming van ieder sulke kontrak of die raad mag weier enige voorstel aan te neem.

(4) Waar sulke kontrakte aangegaan word ter waarde of bedrag van honderd pond of meer sonder vir publieke tender aangebied te wees, sal die redes daarvoor deur die finansiële komitee vermeld word in 'n rapport aan die raad voorgelees te word voordat die besluit om sulke kontrak aan te gaan aangeneem word, en sulke rapport sal by die besluit gevoeg en in die notule van die raad aangeteken word.

(5) Niks in hierdie artikel sal toepaslik wees op enige kontrak vir die aankoop deur die raad van produkte of ander verganklike ware op 'n publieke markgekoop of openige aankoop deur die raad gemaak as die gevolg van bied by 'n publieke veiling nie.

**Bepalings
aangaande
arbitrasie.**

35. Behalwe soas anders in hierdie Ordonnansie of die Munisipale Bevoegdheid tot Onteiening Ordonnansie 1903 uitdruklik bepaal is, sal die Arbitrasie Ordonnansie 1904 of enige wysiging daarvan *mutatis mutandis* toepaslik wees op enige arbitrasie waarby die raad betrokke is.

**Bekragtiging
en voltrekking
van
dokumente.**

36. (1) Iedere order, kennisgewing of ander dokument wat deur die raad bekragtig moet word sal voldoende bekragtig wees indien geteken deur twee raadslede of deur die stadsklerk of deur enige amptenaar van die raad behoorlik daartoe gemagtig deur enige besluit, verordening of regulasie.

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aangewys word die stoel in te neem en alle kwessies sal beslis word deur 'n meerderheid van stemme van die teenwoordige lede, en, in die geval van 'n gelyke verdeling van stemme, sal die lid wat die stoel inneem 'n tweede of beslissende stem hê.

31. Enige raadslid wat, sonder vooraf verlof verkry te hê van die raad, afwesig is op drie agtereenvolgende vergaderings van die raad en enige lid (ander as 'n *ex officio* lid) van die finansiële of enige ander vaste komitee deur die raad benoem, wat sonder vooraf verlof verkry te hê hetsy van die raad of die komitee afwesig bly op drie agtereenvolgende gewone vergaderings van die komitee, sal onbevoeg wees om raadslid te bly. Die stadsklerk sal daarvan op die eersvolgende raadsvergadering na enige sulke deurlopende afwesigheid van 'n raadslid kennis gee, en die burgemeester sal daarop die setel van sulke raadslid vakant verklaar.

Afwesigheid
van raadslede
van
vergaderings.

32. Tensy die teendeel bewys word, sal, telkens wanneer 'n notule van die verrigtings van 'n vergadering ingeskrywe en geteken is, sulke vergadering beskou word behoorlik belê en gehou te wees, en alle raadslede op die vergadering sal geag word behoorlik bevoeg te wees, en in die geval van verrigtings aldus opgeteken van 'n komitee, sal die komitee beskou word behoorlik gekonstitueer te wees, en bevoegdheid besit te hê die saak waarvan in die notule melding gemaak word te behandel.

Vergaderings
geag behoor-
lik gehou te
wees.

33. (1) Die notule van verrigtings van die raad sal op alle redelike tyde ter insage wees vir enige inwoner van die munisipaliteit wat 'n kopie of 'n uittreksel daarvan teen betaling van die fooi (ewentueel) voorgeskrywe by besluit van die raad kan verkry.

Notule van
verrigtings en
rekenings van
tesourier ter
insage.

(2) Die rekenings van die raad sal vir enig raadslid ter insage wees, wat 'n kopie of 'n uittreksel daarvan mag maak.

(3) Die jaarlikse staat of uittreksel van die rekenings van die raad en kopieë van die rapport van die *ouditeur* daarvoor sal aan iedere inwoner van die munisipaliteit op versoek en teen betaling van die fooi, as daar een is, voorgeskrywe by besluit van die raad, verstrekkend word.

34. (1) Behalwe in dringende gevalle of in spesiale gevalle van noodsaaklikheid goedgekeur deur die finansiële komitee sal, voordat enige kontrak vir die uitvoering van enig werk of lewering van enige goedere ter waarde of bedrag van honderd pond of meer deur die raad aangegaan word, minstens veertien volle dae kennis gegee word in 'n nuusblad wat in die munisipaliteit sirkuleer, of,

Kontrakte
vir uitvoering
van werk of
lewering van
goedere.

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28. (1) Die raad mag uit sy eie liggaam sulke en so veel komitees benoem, hetsy van 'n algemene o spesiale aard, en hulle saamstel uit so'n aanta raadslede as hy dienstig mag ag, vir enige doel wa volgens sy oordeel beter deur middel van 'n komitee gedoen sou kan word, en mag, onderwerp aan die bepalings van die eersvolgende artikel aan enige sulke komitee met of sonder beperkings of voorwaardes, na gelang hy dienstig mag ag, enige van sy bevoegdhede of pligte opdra behalwe enige bevoegdheid om geld te verkry deur belasting of lening of enige ander bevoegdheid met betrekking tot die uitoefening waarvan spesiaal voorsiening in hierdie Ordonnansie gemaak is, en mag die kworum van enige sulke komitee vasstel. Die burgemeester sal *ex officio* lid van ieder sulke komitee wees.

(2) Elke komitee sal van sy verrigtings aan die raad kennis gee, dog in sover die raad aldus die handelinge en verrigtings van die komitee opdra sal dit die goedkeuring van die raad nie vereis nie.

(3) Elke komitee sal sy eie voorsitter kies en mag ook 'n visevoorsitter kies.

(4) Elke komitee deur die raad benoem mag na kennisgewing van mosie in die sin deur die stem van 'n meerderheid van die gehele raad ontbind word.

(5) Iedere raadslid sal deur die raad gekies word om op minstens een komitee sitting te hê.

Finansiële
komitee.

29. Die raad sal van tyd tot tyd 'n finansiële komitee benoem om die geldmiddele van die raad te reël en te kontroleer.

Geen uitgawe sal gedoen word nie tensy daarvoor voorsiening gemaak is op 'n volledige begroting ingedien deur die finansiële komitee en goedgekeur deur die raad en iedere betaling uit die fondse van die raad sal deur die finansiële komitee gemaak word, wat op elke gewone vergadering van die raad vir informasie 'n opgawe van alle gemaakte betalings sal indien.

Vergaderings
van
komitees.

30. Elke komitee deur die raad benoem mag van tyd tot tyd vergader, en mag van plek tot plek verdaag, na gelang dienstig geag mag word, en geen werksaamhede sal op enige vergadering van die komitee verrig word tensy die kworum van lede (indien enige) deur die raad bepaal, of as geen kworum bepaal is nie, twee lede teenwoordig is. Op alle vergaderings van die komitee sal die voorsitter indien teenwoordig, voorsit en in geval van sy afwesigheid die visevoorsitter, as daar een is, en indien nóg voorsitter nóg visevoorsitter teenwoordig is, dan sal een van die teenwoordige lede

- 22.** Kennisgewing van die tyd en plek van iedere vergadering sal gedien word op ieder raadslid hetsy persoonlik of deur dit agter te laat aan sy gebruiklike verblyfplaas of aan sy besigheidsadres, minstens vier-en-twintig ure voor sulke vergadering. Sulke kennisgewing moet deur die burgemeester of deur die stadsklerk geteken wees. Die toevallige versuim om op enige raadslid sulk 'n kennisgewing te dien soas in hierdie artikel bedoel sal aan die geldigheid van enige vergadering geen afbreuk doen nie.
- 23.** Iedere vergadering van die raad sal vir die publiek en die pers toeganklik wees; mits dat hierdie artikel nie van toepassing sal wees op enige komitee van die raad of op enige komitee van die gehele raad nie.
- 24.** Behalwe soas anders spesiaal in hierdie Ordonnansie bepaal is, sal alle handelinge, sake of dinge gemagtig of vereis verrig te word deur die raad en alle kwessies wat voor die raad mag kom, verrig en beslis word deur die meerderheid van die raadslede teenwoordig op enige vergadering waarop minstens die helfte van die raadslede of sulk groter gedeelte daarvan, na gelang die raad van tyd tot tyd mag vasstel, teenwoordig is.
- 25.** Behalwe soas bepaal is in artikel *sestien* hiervan, sal in geval van gelykheid van stemme, die voorsitter van die vergadering 'n tweede of beslissende stem hê.
- 26.** Die raadslede teenwoordig op enige vergadering mag sulke vergadering van tyd tot tyd verdaag, en indien op enige vergadering geen voldoende aantal raadslede teenwoordig is nie om die bevoegdhede aan die raad toegeken uit te oefen, dan sal die aanwesige lede of as daar geen lid aanwesig is nie, die stadsklerk die vergadering verdaag en mag vir die verdaagde vergadering sulke dag en uur bepaal as dienstig geag mag word.
- 27.** Die notule van die verrigtings van iedere vergadering van die raad en enige komitee daarvan sal gereeld ingeskryf word in boeke vir dié doel aangehou en sal op dieselfde of eersvolgende gewone vergadering bevestig word. Ieder sulke notule sal, aldus ingeskrywe wanneer geteken deur 'n raadslid wat sig voorgee as of blyk die voorsitter te wees van die vergadering waarop die notule bevestig word, by gemis van bewys van fout daarin geag word 'n korrekte aantekening te wees van die verrigtings van die vergadering waarvan dit die notule heet te wees.

Kennis-
gewings van
vergaderings.

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Vergaderings
van die raad
vir die
publiek toe-
ganklik.

Kworum.

Beslissende
stem van
voorsitter.

Vergadering
van
vergaderings.

Notule.

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Die bedrag van sulke toelae sal by aanvang van die ampstermyn van die burgemeester vasgestel word en daarin sal gedurende die genoemde ampstermyn geen verandering gemaak word nie en sal nie geag word te val onder die bepalings van Hoofstuk IV van hierdie Ordonnansie nie. Die uitgawe van sulke toelae sal nie aan enige oudit onderhewig wees nie; die handtekening van die burgemeester sal daarvoor voldoende wees.

(2) Die raad mag buite en behalwe enige toelae verleen kragtens subartikel (1) van hierdie artikel, as 'n verder toelae maandeliks betaalbaar aan die burgemeester vir algemene doeleindes sulke som toestaan as, met inagneming van die posiesie, toe-reikend geag mag word. Die bedrag van sulke toelae sal vasgestel word by die ampsaanvaarding van die burgemeester en daarin sal gedurende die genoemde ampstermyn geen verandering gemaak word nie. Die uitgawe van sulke toelae sal nie beskou word te val onder die bepalings van Hoofstuk IV van hierdie Ordonnansie nie en sal aan oudit onderhewig wees.

(3) Telkens wanneer die pligte verbind aan die amp van burgemeester vir enige onafgebroke tydperk van minstens een maand deur die plaasvervangende burgemeester vervul word onder enige van die omstandighede genoem in subartikel (2) van artikel sewentien, dan sal die toelae kragtens hierdie artikel toegeken vir sodanige tydperk aan sulke plaasvervangende burgemeester betaal word.

(4) Die raad mag met die goedkeuring van die Administrateur, ook uit die inkomste van die raad aan raadslede sulke toelae stem as hy mag bepaal. Die uitgawe aan sulke toelae sal nie beskou word nie as vallende binne die bepalings van Hoofstuk IV van hierdie Ordonnansie.

HOOFSTUK III.

**VERGADERINGS EN VERRIGTINGS VAN MUNI-
SIPALE RADE.**
**Raadsver-
gaderings.**

20. Die raad sal vir die afhandeling van werk-saamhede so dikwels as nodig is 'n gewone ver-gadering hou, dog nie minder as een in iedere maand nie.

**Spesiale ver-
gaderings.**

21. Die burgemeester mag te eniger tyd, en sal op die skriftelike versoek van minstens een-derde van die raadslede, of waar die raad bestaan uit meer as agtien lede, op die skriftelike versoek van minstens ses lede, 'n spesiale vergadering van die raad belê; mits dat die kennisgewing van enige spesiale ver-gadering die doel van die vergadering omskryf.

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geval dat die amp vakant word, sal 'n opvolger gekies word op die op een na volgende vergadering van die raad na die vakature deur en uit die raadslede self, en sulke opvolger sal as plaasvervangende burgemeester optree vir die res van die tydperk waarvoor die aftredende plaasvervangende burgemeester verkies was; mits dat as om een of ander rede geen plaasvervangende burgemeester op 'n vergadering soas hierin voorgeskrywe verkies word nie, hy verkies mag word op die eersvolgende raadsvergadering daarna gehou of op 'n spesiale vergadering vir die doel belê.

(2) Die plaasvervangende burgemeester sal, telkens wanneer dit nodig sal wees weens oorlyde, bedanking, afwesigheid, siekte, of onbekwaamheid van die burgemeester, alle handelinge verrig wat die burgemeester as sodanig mag verrig. Van die feit van oorlyde, bedanking, afwesigheid, siekte, of onbekwaamheid van die burgemeester sal deur die stadsklerk of sy plaasvervanger op die eerste vergadering van die raad gehou na sulke oorlyde, bedanking, afwesigheid, siekte of onbekwaamheid kennis gegee word of van die aanvang daarvan, en daarvan sal in die notule aantekening gehou word. Die aantekening sal voldoende magtiging wees vir alle handeling deur die plaasvervangende burgemeester verrig, welke die burgemeester as sodanig mag verrig, van die datum van oorlyde, bedanking of aanvang van die afwesigheid, siekte of onbekwaamheid van die burgemeester totdat 'n nuwe burgemeester benoem is of die burgemeester sy pligte hervat.

18. Op iedere vergadering van die Raad sal die burgemeester, indien teenwoordig, voorsit, en in geval van sy afwesigheid, die plaasvervangende burgemeester, en indien nóg die burgemeester nóg die plaasvervangende burgemeester teenwoordig is op enige vergadering, dan sal die teenwoordige raadslede onder hulle 'n voorsitter kies om op sulke vergadering voor te sit, en as sal blyk dat die burgemeester en plaasvervangende burgemeester albei van die munisipaliteit afwesig is of om een of andere rede nie in staat is op te tree nie, dan mag die raad aan die voorsitter aldus gekies volle outoriteit toeken enige handelinge te verrig welke die burgemeester as sodanig mag verrig, totdat die burgemeester of plaasvervangende burgemeester weer in staat is om op te tree.

Voorsitter
van
vergadering.

19. (1) Die raad mag uit die inkomste van die raad as 'n persoonlike toelae maandeliks aan die burgemeester betaalbaar sulke som stem as, met inagnaming van die posiesie, voldoende geag word.

Toelae aan
burgemeester
en raadslede.

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res van die tydperk waarvoor die aftredende burgemeester verkies was; mits dat as om een of ander rede geen burgemeester verkies word op 'n vergadering soas hierin voorgeskrywe, hy verkies mag word op die eerste gewone vergadering van die raad daarna gehou of op 'n spesiale vergadering vir die doel belê.

(2) As dit egter aldus deur die raad op sy laaste vergadering voor die jaarlikse verkiesing besluit word, dan sal die prosedure vir die verkiesing van burgemeester vir die jaar wees as volg:—

(1) Binne veertien dae na die eerste verkiesing van raadslede kragtens die Munisipale Verkiesings Ordonnansie, 1912, of enige wysiging daarvan (hierna in hierdie artikel die Verkiesings Ordonnansie genoem) en daarna binne veertien dae na die jaarlikse verkiesing van raadslede, sal 'n burgemeester verkies word deur die geregistreerde kiesers op die munisipale lys.

(2) Sulke verkiesing sal *mutatis mutandis* gehou word ooreenkomstig die bepalinge van die Verkiesings Ordonnansie.

(3) Kandidate vir burgemeester sal binne drie dae na die jaarlikse verkiesing uit die raadslede genomineer word.

(4) 'n Rekwisiesie soas voorgeskrywe in artikel *een-en-dertig* van die Verkiesings Ordonnansie en geteken deur minstens vyf-en-twintig geregistreerde kiesers van die munisipaliteit moet aan die stadsklerk gestuur word binne die tyd voorgeskrywe deur subartikel (3) van hierdie artikel tesaam met die aanname daarvan deur die kandidaat, as slegs een raadslid aangesoek word dan sal hy deur die stadsklerk as behoorlik verkies verklaar word en sal daarop die amp van burgemeester aanvaar, en as meer as een raadslid behoorlik aangesoek is, dan sal 'n verkiesing plaas het soas bepaal in subartikel (2) van hierdie artikel.

(5) Dit sal vir enige kandidaat vir die amp van burgemeester onwettig wees agente of stemwervers in diens te neem, of vergaderings te hou of te adverteer of op enigerlei wyse om stemme of steun te vra, en oortreding van enige van hierdie bepalinge sal die verkiesing van sulke kandidaat ongeldig maak.

Verkiesing
en pligte van
plaasvervange-
gende burge-
meester.

17. (1) Op die eerste vergadering van die raad gehou na iedere jaarlikse verkiesing van raadslede, sal die aanwesige raadslede 'n raadslid kies om as plaasvervangende burgemeester op te tree, wat in funksie bly totdat sy opvolger sal benoem wees na die eersvolgende jaarlikse verkiesing van raadslede, tensy sy amp vroeër vakant word, en, in die

nie waarom die bevoegdheid voorgestel uitgeoefen te word nie uitgeoefen sal word nie, dan mag die Administrateur sulke bevoegdheid uitoefen.

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15. Alle onkoste deur die Administrateur gemaak aan publiskasie of by die benoeming van 'n kommissaris of kommissarissee as 'n gevolg van 'n applikasie deur enige raad vir die uitoefening deur hom van enige van die bevoegdhede deur hierdie Hoofstuk toegeken, sal deur die betrokke raad gedra word.

Administrateurs onkoste betaal te word deur raad wat applikasie maak vir die uitoefening van bevoegdhede.

HOOFSTUK II.

BURGEMEESTER EN PLAASVERVANGENDE BURGEMEESTER VAN STADSRADE.

16. (1) Op die eerste vergadering van die raad gehou na die eerste verkiesing van raadslede genoem in die Munisipale Verkiesings Ordonnansie, 1912, of enige wysiging daarvan, en daarna op die eerste vergadering van die raad gehou na iedere jaarlikse verkiesing van raadslede, sal die aanwesige raadslede een raadslid kies om burgemeester te wees wat burgemeester van die munisipaliteit waarvoor hy aldus verkies is, sal genoem word, en wat terstond sy amp sal aanvaar en in funksie bly totdat sy opvolger benoem word na die eersvolgende jaarlikse verkiesing van raadslede, tensy sy amp vroeër vakant word; en by enige verkiesing van burgemeester sal die voorsitter van die vergadering as hy 'n lid van die raad is slegs 'n beslissende stem het; mits dat as die amp van die aftredende burgemeester vakant geword het om rede van afloop van sy ampstyd as raadslid hy desnieteenstaande op die vergadering sal voorsit totdat 'n burgemeester of plaasvervangende burgemeester sal verkies wees, dog die kworum vereis op sulke vergadering teenwoordig te wees sal geag word sulke aftredende burgemeester nie in te sluit nie en sulke aftredende burgemeester sal uitgesluit wees, wat nie geregtig sal wees tot enige stem nie. In geval dat die verkiesing nie kan beslis word nie weens gelykheid van stemme uitgebring op twee of meer kandidate dan sal dit deur loting deur die voorsitter beslis word.

Verkiesing van Burgemeester.

In die geval dat die amp van burgemeester vakant word op ander wyse as deur afloop van die tydperk waarvoor hy as raadslid verkies was, sal 'n opvolger op die op een na eersvolgende vergadering van die raad gehou na die vakature, deur die raadslede onder hulle gekies word, en sulke opvolger sal terstond sy amp aanvaar en as burgemeester optree vir die

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wat tot stem geregtig is vir die verkiesing van lede van die gesondheidskomitee vir die gebied waarvoor 'n stadsraad gewens word, of as 'n gesondheidskomitee, waarvan die lede deur die Administrateur benoem word, bestaan, of as geen gesondheidskomitee bestaan nie, dan deur vyftig persone woonagtig binne sulke gebied en ingeskryf in enige register van tyd tot tyd van krag, van persone wat bevoeg is om te stem by 'n verkiesing van lede van die Prowinsiale Raad vir die kiesafdeling wat sulke gebied omvat.

Besonderhede in petiesies genoem te word.

12. Iedere petiesie sal noukeurig opgee in hoe ver die uitoefening van die bevoegdhede deur hierdie Hoofstuk aan die Administrateur toegeken deur die petisionarisse gewens word, en sal versoek om sulke uitoefening daarvan, en mag ook versoek om enige gedeeltelike uitoefening van sulke bevoegdhede en iedere petiesie vir die instelling van 'n munisipaliteit sal die voorgestelde grense daarvan opgee.

Petiesies mag bestry word.

13. Enige belanghebbende persoon sal bevoeg wees binne dertig dae na die eerste publikasie in die *Prowinsiale Koerant* van die inhoud en versoek van 'n petiesie soos bepaal in artikel *tien*, of van die benoeming van 'n kommissaris of kommissarisse kragtens subseksie (10) van artikel *nege*, aan die Administrateur of aan sulke kommissaris of kommissarisse na gelang van omstandighede, enige teë-petiesie aan te bied omskrywende die gronde van beswaar teen die uitoefening deur die Administrateur van enige van die bevoegdhede deur hierdie Hoofstuk toegeken.

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

14. Die Administrateur mag van tyd tot tyd enige van die bevoegdhede deur hierdie Hoofstuk toegeken uitoefen sonder die aanbieding van enige petiesie, mits dat tensy 'n kommissaris of kommissarisse benoem word kragtens die bepalings van subartikel (10) van artikel *nege*, vóór die uitoefening van enige sulke bevoegdheid, eenmaal per week gedurende drie agtereenvolgende weke kennis gegee word in die *Prowinsiale Koerant* en in 'n nuusblad wat in die buurte waar voorgestel word sulke bevoegdheid of bevoegdhede uit te oefen sirkuleer, van die voorneme van die Administrateur om sulke bevoegdhede uit te oefen. As binne dertig dae na die datum van die eerste publikasie van sulke kennisgewing of na behoorlik ondersoek deur 'n kommissaris, as een benoem word, geen voldoende rede aangevoer word

weke gepubliseer word in die *Prowinsiale Koerant* en in 'n nuusblad wat sirkuleer in die buurte waarin voorgestel word sulke bevoegdheid of bevoegdhede uit te oefen;

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

By die uitoefening van enige van die bevoegdhede hieronder toegeken, mag die Administrateur enige betrokke munisipale raad opdra op sy eie koste enige opmetings te doen of te verrig wat nodig mag wees binne 'n tydperk deur hom voorgeskryf te word.

As die raad sou versuim of nalaat om enige opdragte hieronder gegee binne die voorgeskrewe tydperk uit te voer, mag die Administrateur die genoemde opmetings laat verrig op koste van die genoemde raad en die bedrag van die raad invorder.

10. Die Administrateur mag enige van die bevoegdhede deur hierdie Hoofstuk toegeken uitoefen na die aanbieding van sulke petisie as hierna omskrywe is en na die publikasie, minstens eenmaal per week gedurende drie agtereenvolgende weke, van die inhoud en versoek van sulke petisie, in die *Prowinsiale Koerant* en in 'n nuusblad wat in die buurte sirkuleer waar voorgestel word sulke bevoegdhede uit te oefen, mits dat sulke publikasie nie nodig sal wees nie wanneer die Administrateur enige persoon of persone sal benoem het kragtens die bepalings van subseksie (10) van die laasvooraangaande artikel om 'n ondersoek in te stel na die inhoud van enige sulke petisie en van sulke benoeming kennis sal gegee het en die strekking van die ondersoek in terme van die subartikel. Dit sal van die diskresie van die Administrateur afhang die versoek in sulke petisie vervat te weier of die gehele of enige deel daarvan in te willig.

Hoe sulke bevoegdhede uitgeoefen moet word na aanbieding van petisie.

11. Iedere petisie vir die instelling van 'n stadsraad kragtens hierdie Ordonnansie sal—

Hoe petisies geteken moet word.

- (1) As reeds 'n munisipaliteit bestaan vir die gebied waarvoor 'n stadsraad gewens word, geteken wees deur minstens twee-derdes van die lede van die dorpsraad van sulke munisipaliteit;
- (2) As geen sodanige munisipaliteit bestaan nie, geteken wees deur minstens vyftig persone

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(4) enige twee of meer stede, dorpe, munisipaliteite, of gebiede onder die jurisdiksie van verskillende klasse van plaaslike outoriteite verbind waardeur een munisipaliteit gevorm word ;

(5) die grense van aangrensende munisipaliteite verander en reël, en enige geskille wat uit sulke verandering of reëling ontstaan, besleg ;

(6) enige gedeelte van 'n munisipaliteit van die munisipaliteit waarvan dit 'n deel uitmaak af te skei, en dit as 'n afsonderlike munisipaliteit of gesondheidskomiteegebied in te stel, of dit aan enige ander munisipaliteit of gesondheidskomitee te verbind, en van tyd tot tyd enige verdeling van eiendomsregte en verpligtings te maak en enige aanwysings te gee aangaande enige aangeleenthede en dinge wat nodig mag wees ten einde reg te doen tussen die betrokke munisipaliteite en gesondheidskomitees ;

(7) van tyd tot tyd die grense van enige munisipaliteit te verander, en in gevalle waarin enige gebied van die munisipaliteit moet afgesny word, vanaf die datum van sulke afsnyding die skraping te gelas op enige kieserslys van die name van kiesers woonagtig of gekwalifiseer ten opsigte van enig onroerend eiendom in sulke gebied ;

(8) by verklaring van enige stad of dorp of ander gebied as 'n munisipaliteit of by die instelling van 'n gesondheidskomitee kragtens Hoofstuk IX van hierdie Ordonnansie of by die verandering van die grense van 'n munisipaliteit of gesondheidskomiteegebied, enige deel van die gebied van sulke munisipaliteit of gesondheidskomiteegebied vrystel van die bepalings van die Plaaslike Bestuur Belasting Ordonnansie 1912 en enige wysiging daarvan, en, daarna, sulke vrystelling in sy geheel of gedeeltelik intrek ;

(9) enige vrystelling van belasting intrek hetsy dat sulke vrystelling verleen was kragtens hierdie of kragtens enige ander wet ;

(10) enige persoon of persone benoem om 'n ondersoek in te stel na en te rapporteer oor die raadsaamheid vir die uitoefening deur die Administrateur van enige van die bevoegdhede aan hom toegeken deur hierdie artikel en mag aan sodanig persoon of persone die bevoegdhede, jurisdiksie en voorregte van die Kommissies Bevoegdhede Ordonnansie 1902 toeken ; kennisgewing van sulke benoeming en besonderhede van die bevoegdheid welke die Administrateur van plan is uit te oefen sal minstens eenmaal per week gedurende drie agtereenvolgende

werkingtrede van hierdie Ordonnansie ; mits dat die bevoegdhe toegeken aan die Administrateur deur artikel *nege* van hierdie Ordonnansie toegepas mag word op enige munisipaliteit waarvoor 'n stadsraad ingestel is kragtens die laasvooraafgaande artikel.

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(b) Enig buitegebied die eiendom van die raad vir die doel van natuurlelokasie, gebied vir kleurlinge, Asiatische basaar, tremweg, lig- of waterwerke, begraafplaas, riolerings of dreineringswerke of enige ander munisipale onderneming sal (behalwe as dit binne 'n ander munisipaliteit val) onder die beheer, jurisdiksie en bevoegdhe van die raad wees, dog sal geen deel van die munisipaliteit uitmaak nie, en sal in so ver onderwerp wees aan die bevoegdhe en bepalings van hierdie Ordonnansie en die verordeninge daaronder.

Buitegebiede.

8. Die lede van iedere raad van 'n munisipaliteit genoem in artikel *ses* van hierdie Ordonnansie en die burgemeester en plaasvervangende burgemeester daarvan sal hulle amp bly beklee kragtens die bepalings van die Munisipale Verkiesings Ordonnansie 1912 of enige wysiging daarvan as of sulke raad nie opnuut gekonstitueer was nie kragtens die bepalings van hierdie Ordonnansie.

Lede van
stadsrade
hulle amp te
behou.

9. Met inagneming van die bepalings van hierdie Ordonnansie, mag die Administrateur van tyd tot tyd alle of enige van die volgende bevoegdhe uitoefen ; dat wil sê hy mag—

Bevoegdheid
van Admini-
strateur ten
opsigte van
munisipali-
teite.

(1) (a) enige stad, dorp, of ander gebied verklaar 'n munisipaliteit te wees onder die jurisdiksie van 'n stadsraad, en vir sulke munisipaliteit 'n stadsraad instel verkies te word op die wyse soas bepaal deur die Munisipale Verkiesings Ordonnansie 1912 en enige wysiging daarvan.

(b) Iedere aldus ingestelde stadsraad sal onder die naam van die Stadsraad van..... elk en afsonderlik 'n stadsbestuur wees met ewigdurende opvolging en 'n gemeen seël (met bevoegdhe sodanig seël van tyd tot tyd te verander en te wysig), en sal onder sulke naam bevoeg wees eisende en verwerende in regte op te tree, om grond aan te koop, te besit en te vervreem, en in die algemeen sodanige handelinge te doen en te verrig as stadsbesture kragtens wet mag doen en verrig, onderwerp aan die bepalings van hierdie Ordonnansie en enige ander wet.

(2) aan sulke munisipaliteit 'n naam toeken ;

(3) die grense daarvan omskryf ;

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Hoofstuk VII is onderverdeel in twee dele wat betrekking het respektiewelik op (I) Lisensies, (II) Bywette ;

Hoofstuk VIII is onderverdeel in twee dele wat betrekking het respektiewelik op (I) Konstitusie en Verkiesing van Dorpsrade, (II) Bevoegdhede en Pligte van Dorpsrade ;

Hoofstuk X is onderverdeel in drie dele wat betrekking het respektiewelik op (I) Sekere Spesiale Bepalings, (II) Riolerings en dreineringswerke, (III) Ander Werke ;

Hoofstuk XI is onderverdeel in drie dele wat betrekking het op (I) Bevoegdhede van Administrateur by Versuim van Plaaslike Outoriteit of in onverwagte gevalle, (II) Herkonstitusie van Plaaslike Outoriteite, (III) Gemeng.

HOOFSTUK I.

KONSTITUSIE VAN STADSRADE.

Instelling van stadsrade vir sekere bestaande munisipaliteite.

6. (1) Die rade van munisipaliteite wettig ingestel voor die in werkingtreding van hierdie Ordonnansie en genoem in die Twede Bylae van hierdie Ordonnansie, sal aangemerkt word stadsrade te wees ingestel kragtens hierdie Ordonnansie, en sal verkies word kragtens die bepalinge van die Munisipale Verkiesings Ordonnansie 1912 en enige wysiging daarvan, en sulke rade sal onder die naam van Stadsraad van(die naam waaronder elke raad was aangedui voor die in werkingtreding van hierdie Ordonnansie) elk en afsonderlik 'n stadsbestuur wees met ewigdurende opvolging en 'n gemeen seël (met bevoegdheid sulke seël van tyd tot tyd te verander en te wysig), en sal onder sulke naam bevoeg wees om eisende en verwerende in regte op te tree, om grond aan te koop, te besit en te vervreem, en in die algemeen sulke handelinge en dinge te doen en te verrig as stadsbesture volgens wet mag doen en verrig, onderwerp aan die bepalinge van hierdie Ordonnansie en enige ander wet.

(2) In die geval van werke wat by die in werkingtreding van hierdie Ordonnansie reeds in aanbou is kragtens enige wet wat bestaan het voor sulke aanvang, dog wat kragtens die bepalinge van hierdie Ordonnansie die toestemming van die Administrateur vereis, sal die toestemming van die Administrateur vir sulke werke hierby geag word verkry en gegee te wees.

Gebiede van bestaande munisipaliteite.

7. (a) Die regsgebiede van stadsrade ingestel kragtens die bepalinge van die laasvoorafgaande artikel, sal die gebiede van munisipaliteite wees soos omskrywe deur wet of proklamasie by die in

artikel *eenhonderd vier-en-veertig* van hierdie Ordonnansie sal proklameer dat die genoemde belastings sal ingevorder word in die munisipaliteit, en vir die tydperk in sodanige proklamasie genoem.

(2) (a) Behalwe soas bepaal is in hierdie Ordonnansie, sal die bepalings van die Skutte Ordonnansie, 1913, en enige wysiginge daarvan nie van toepassing wees nie op enige skut deur 'n plaaslike outoriteit gevestig nog op enig gebied onder die jurisdiksie van 'n gesondheidskomitee.

(b) Die bepalings van die Registrasie van en Kontrôle op Honde Wet 1907, en enige wysiginge daarvan, sal nie van toepassing wees nie binne enige munisipaliteit, nog binne enige regsgebied van 'n gesondheidskomitee, sodra regulasies waarby 'n belasting op hou van honde en wat handel oor honde oppelê word, van krag geword het in sodanige gebied.

(c) Die bepalings van Wet No. 8 van 1888 sal nie toepaslik wees nie op enige mark gevestig of bestuur deur 'n plaaslike outoriteit sodra bywette of regulasies wat opsodanige mark betrekking het, in werking getree het.

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

5. Hierdie Ordonnansie is verdeel in elf hoofstukke, wat op die volgende aangeleenthede betrekking het:—

Hoofstuk I—Konstitusie van Stadsrade ;

Hoofstuk II—Burgemeester en Plaasvervangende Burgemeester van Stadsrade ;

Hoofstuk III—Vergaderings en Verrigtings van Munisipale Rade ;

Hoofstuk IV—Gedrag van Lede en Amptenare van Munisipale Rade ;

Hoofstuk V—Finansiël ;

Hoofstuk VI—Bevoegdhede en Pligte van Munisipale Rade ;

Hoofstuk VII—Bepalings wat betrekking het op Lisensies en Verordeninge ;

Hoofstuk VIII—Dorpsrade ;

Hoofstuk IX—Gesondheidskomitees ;

Hoofstuk X—Spesiale Bevoegdhede van Stadsrade ;

Hoofstuk XI—Algemeen.

Hoofstuk V is onderverdeel in twee dele wat betrekking het respektiewelik op (I) Inkomste en Leningsbevoegdhede, (II) Rekenings en Oudit ;

Hoofstuk VI is onderverdeel in twee dele wat betrekking het respektiewelik op (I) Algemeen Bevoegdhede, (II) Werke ;

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Ordonnansie.

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- “publieke voertuig” insluit enige keb, kar, omnibus, jinricksha, motorvoertuig en enige ander voertuig wat op enige publieke plaas binne die munisipaliteit staan of te huur ry ;
- “geregistreeerde verloskundige” beteken enige persoon wie se naam voorkom in die register van verloskundiges gehou ooreenkomstig artikel *veertig* van die Mediese, Tandheekunde en Artsenybereiding Ordonnansie, 1904, en enige wysiging daarvan ;
- “regulasie” beteken ’n regulasie gemaak deur die Administrateur kragtens hierdie Ordonnansie en van krag in die jurisdiksiegebied van enige plaaslike outoriteit ;
- “gesondheidsinspekteur” beteken en insluit enige persoon wat alsdan wettiglik optree in die hoedanigheid van gesondheidsinspekteur van die plaaslike outoriteit ;
- “straat” insluit enige straat, weg of deurgang aangedui op die algemene kaart van ’n dorp of waartoe die publiek deur verjaring of op ander wyse ’n reg van weg verkry het ;
- “handeldryf op straat” insluit die verkoop van nuusblade, vuurhoutjies, blomme en ander artikels, die uitdeling van strooibiljette of ander advertensies, skoenpoets en enige ander soortgelyke okkupasie uitgeoefen op publieke plekke, en “straatverkoper” sal insluit enige persoon wat enige sodanig bedryf aldus verrig en uitoeefen ;
- “stadsklerk” en “stadstesourier” beteken die persoon wat alsdan wettiglik optree respektiewelik in die hoedanigheid van stadsklerk en stadstesourier vir die munisipaliteit ;
- “stadsraad” beteken ’n raad ingestel ingevolge en kragtens die bepalings van Hoofstuk I van hierdie Ordonnansie ;
- “Dorpewet” beteken die *Dorpewet No. 33* van 1907 (Transvaal) of enige wysiging daarvan ;
- “dorpsraad” beteken ’n raad ingestel ingevolge en kragtens die bepalings van Hoofstuk VIII van hierdie Ordonnansie.

Toepassing
van
Ordonnansie.

3. Hierdie Ordonnansie sal toepaslik wees op enige plaaslike outoriteit daaronder ingestel op die wyse en in die mate daarin voorgeskryf.

Ontoepaslik-
heid van
sekere wette.

4. (1) Alle belastinge betaalbaar kragtens die wet tans van krag op erwe binne die munisipale grense sal deel uitmaak van die inkomste van die raad van die munisipaliteit waarin die genoemde belastinge opgelê word ; mits dat sodanige belastinge nie sal ingevorder word nie binne enige munisipaliteit ténys die Administrateur kragtens die bepalings van

Mits dat—

- (a) geen straf kragtens enige verordening of regulasie aan enige persoon sal opgelê word nie weens enige ophoping of deponering wat nodig is vir of ontstaan uit die uitoefening van enige besigheid, beroep of bedryf indien die ophoping of deponering nie langer gehou is nie as nodig is vir die doeleindes van besigheid, beroep of bedryf, en die beste beskikbare middels aangewend is tot voorkoming van nadeel of gevaar daardeur vir die publieke gesondheid, en
- (b) by die oorweging of enige woonhuis of gedeelte daarvan wat tewens gebruik word as 'n fabriek of werkplaas, of op enige fabriek of werkplaas wat tewens gebruik word as 'n woonhuis, 'n oorlas is om rede van oorvolte, rekening gehou sal word met die omstandighede van sulke ander gebruik ;
- “ bewoner ” insluit enige persoon in werklike okkupasie van grond of eiendom afgesien van die reg waaronder hy bewoon, en, in die geval van 'n eiendom onderverdeel en verhuur aan inwonendes of aan verskillende huurders, insluit die persoon wat die huurgelde ontvang betaalbaar deur die inwonendes of huurders, hetsy vir sy eie rekening of as agent vir enige persoon wat daarop geregtig is of daarby belang het ;
- “ buitegebied ” insluit enige grond of belang in grond die eiendom van 'n raad vir munisipale doeleindes buite die munisipaliteit en wat geen deel uitmaak van enige ander munisipaliteit nie ;
- “ eienaar ” insluit enige persoon wat die huurgelde of profyte ontvang van enige grond of eiendom van enige huurder of okkupant daarvan, of wat sodanige huurgelde of profyte sou ontvang indien sodanige grond of eiendom verhuur was, hetsy vir sy eie rekening of as agent vir enige persoon wat daarop geregtig is of daarby belang het ;
- “ eiendom ” insluit enige grond, gebou, kamer, opstal, tent, reiswa, voertuig, stroom, meer, dam, poel, lagune, riool, voor (oop, oordek of ingesluit) hetsy aan gebou of nie en hetsy publiek of privaat ;
- “ Provinsie ” beteken die Provinsie Transvaal ;
- “ publieke plek ” insluit enige weg, straat, deurgang, voetbestrating, voetpad, sypad, laan, plein, ope ruimte, tuin, park, ingeslote ruimte die eiendom van 'n stads- of dorpsraad kragtens artikkel twee-en-sestig van hierdie Ordonnansie ;

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Art. 2.

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Art. 2.

(8) (a) enige huis of gedeelte van 'n huis deur so veel persone bewoon dat dit nadelig of gevaarlik is vir die gesondheid van die bewoners, of waarin nie vir elk persoon wat dit gelyktydig bewoon, hetsy by nag of dag, minstens 300 kubieke voete ruimte en 36 vierkante voete vloeroppervlakte is nie; mits dat hierdie subartikkel nie toepaslik sal wees nie op die huisvesting van naturelle in mynkomponds;

(b) enige bewoonde huis waarvoor 'n behoorlike, voldoende en gesonde wateraanvoer nie beskikbaar is nie binne 'n redelike afstand as onder die omstandighede moontlik is te verkry;

(9) enig skoolgebou of enige fabriek, werkplaas of werkwinkel of gedeelte daarvan:

(a) wat nie in 'n sindelike toestand gehou word nie en vry van dampe wat voorkom uit enige afvoersloot, privaat, water-privaat, sandprivaat, urinoir of ander bron van oorlas; of

(b) wat nie geventileer is nie op sodanige wyse dat vir sover as doenlik is enige gasse, dampe, stof of ander onreinhede wat ontstaan in die loop van die werk wat daarin verrig word en wat hinderlik, nadelig of gevaarlik vir die gesondheid is, onskadelik gemaak word; of

(c) waarin die gemiddelde verhouding van koolsuurgas in die lug op die hoogte waar mens ademhaal meer is as 10 volumes in 10,000, of, waar gas of olie gebruik word vir verligtingsdoeleindes, meer is as 18 volumes in 10,000 tydens sodanig gas of olie in werklik gebruik is, of

(d) wat so oorvol is tydens daarin gewerk word dat dit nadelig of gevaarlik is vir die gesondheid van die persone daarin werksaam;

(10) enige skoorsteen wat rook in sodanige hoeveelheid uitlaat of op 'n sodanige wyse dat dit hinderlik, nadelig of gevaarlik is vir die gesondheid;

(11) enige kerkhof, begraafplaas of ander begraafplek so geleë of so oorvol of op ander wyse so gebruik dat dit hinderlik, nadelig of gevaarlik is vir die gesondheid;

(12) enige ander toestand van welke aard ook wat hinderlik, nadelig of gevaarlik is vir die gesondheid;

- “Minister” beteken die Minister van Volks-
gesondheid van die Unie ;
- “munisipaliteit” beteken die gebied of distrik
geplaas onder die bestuur en jurisdiksie van
’n stadsraad of van ’n dorpsraad ;
- “naturel” beteken enige persoon wat ’n lid is van
’n inboorlingeras of -stam van Afrika. Waar
enige redelike twyfel bestaan of enige persoon
al of nie onder hierdie definiesie val nie, sal
die bewyslas op sodanig persoon rus ;
- “oorlas” sal insluit—

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Art. 2.

- (1) enige eiendom of gedeelte daarvan van
sodanige konstruksie of in sulke toestand dat
dit hinderlik is of skadelik of gevaarlik vir
die gesondheid ;
- (2) enige straat, stroom, poel, lagune, sloot,
geut, waterloop, geutsteen, vergaarbak, water-
privaat, aardprivaat, privaat, urinoir, sinkput,
riool, voor, vuilwaterbak, vuilwatertenk, mis-
vaalt, asbak, asgat, mishoop, so vuil of in
’n sodanige toestand of so geleë of vervaardig
dat dit ’n oorlas is, skadelik of nadelig of
gevaarlik vir die gesondheid ;
- (3) enige put of watervoorsiening nadelig of
gevaarlik vir die gesondheid ;
- (4) enige tenk of waterbak gebruik vir die
aanvoer van water vir huishoudelik gebruik,
so geplaas, vervaardig of gehou dat die
water daarin bewaar blootstaan aan veront-
reiniging, wat gevaar vir die gesondheid
oplewer of kan oplewer of die voortteling van
muskiete bevorder ;
- (5) enige stal, koeiestal, veekraal, hoenderhok,
of perseel waarin enig dier of diere of voël of
voëls gehou word op ’n sodanige wyse of in
sulke aantalle dat dit hinderlik, nadelig of ge-
vaarlik vir die gesondheid is ;
- (6) enige ophoping of deponering van vuilnis,
afval, mis of ander stof wat hinderlik, nadelig
of gevaarlik vir die gesondheid is, of enige
hinderlike stof, vuilnis, afval’ of mis wat lê
of sig binne vyftig tree van enige straat
bevind, of wat sig in onoordekte troks of
waens bevind op enige stasie of halte of
elders op ’n spoorweg en aldus hinderlik of
nadelig of gevaarlik vir die gesondheid is ;
- (7) enige werk, fabriek, bedryf of besigheid
wat reuke of dampe veroorsaak of kan doen
ontstaan wat hinderlik of wat nadelig is
vir die gesondheid van die omgewing of wat
so gedryf word dat dit hinderlik, nadelig
of gevaarlik vir die gesondheid is ;

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Art. 2.

- “ Asiaat ” insluit enige persoon wat behoort tot die inboorlinge rasse van Asië, nie synde ’n Maleier nie gebore en woonagtig in enige Britse Kolonie of Besitting in Suid-Afrika, en nie synde ’n amptenaar nie in die konsulêre diens van enige Asiatiese Staat of Gebied ;
- “ Veroorsaker van ’n oorlas ” beteken die persoon deur wie se handeling, nalatigheid of toelating die oorlas veroorsaak word, bestaan of bly bestaan ;
- “ verordening ” beteken ’n verordening van krag in ’n munisipaliteit en enige buitegebied daarvan, gemaak en goedgekeur kragtens hierdie Ordonnansie of kragtens die outoriteit van enige wet ;
- “ kleurling ” beteken enige persoon wat klaarblyklik ’n kleurling is, nie synde ’n naturel of Asiaat nie soas deur hierdie Ordonnansie omskryf ;
- “ aanvang van hierdie Ordonnansie ” beteken die datum waarop hierdie Ordonnansie in werking getree het ;
- “ Goewerneur-Generaal ” beteken die amptenaar wat die bestuur het oor die Unie van Suidafrika handelende met advies en toestemming van die Uitvoerende Raad daarvan ;
- “ gesondheidskomitee ” beteken ’n komitee ingestel ingevolge en kragtens die bepalinge van Hoofstuk IX van hierdie Ordonnansie ;
- “ plaaslike outoriteit ” beteken en insluit ’n stadsraad of dorpsraad of gesondheidskomitee ;
- “ magistraat ” beteken die magistraat van ’n magistraatsdistrik of subdistrik waarin ’n munisipaliteit geleë is, en in die geval van ’n munisipaliteit geleë binne ’n gedeelte van ’n magistraatsdistrik waarvoor ’n addisionele magistraat aangestel is, sal die uitdrukking “ magistraat ” ook sulke addisionele magistraat insluit ;
- “ geneeskundige gesondheidsamptenaar ” beteken die persoon wat aldan wettiglik optree in die hoedanigheid hetsy van geneeskundige gesondheidsamptenaar of assistent geneeskundige gesondheidsamptenaar van die plaaslike outoriteit, mits egter dat die uitdrukking “ geneeskundige gesondheidsamptenaar ” soos gebruik in artikkel *een-en-sestig* nie sal geag word ’n assistent geneeskundige gesondheidsamptenaar in te sluit nie ;

3. Artikel *zeven en dertig* van de hoofdordonantie zal zijn en word hierbij gewijzigd door daaraan de volgende nieuwe subsektie (4) toe te voegen :—

Wijziging van artikel 37 van hoofdordonantie.

Ord. No. 10
van 1926.

“(4) in het geval van donkies zal het niet nodig zijn dat de schutmeester de genoemde kennisgeving van verkoop in de *Provinciale Koerant* publiceert, doch de genoemde kennisgeving zal slechts minstens eenmaal in 'n nieuwsblad gepubliceerd worden als voorzegd binnen twee dagen na schutten. Verkopingen van geschutte donkies zullen binnen twaalf dagen van de genoemde kennisgeving gehouden worden onderworpen aan de bepalingen *mutatis mutandis* van subsekties (1), (2) en (3) hiervan.”

4. Deze Ordonantie mag voor alle doeleinden aangehaald worden als de Schutten Wijzigings Ordonantie 1926 en zal als één gelezen worden met de hoofdordonantie en enige wijziging daarvan.

Korte titel.

'N ORDONNANSIE

Tot konsolidasie en wysiging van die Wet wat betrekking het op Munisipaal Bestuur in hierdie Provinsie, en om voorsiening te maak vir sake in verband daarmee.

Ord. No. 11
van 1926.

(Goedgekeur 21 Julie 1926.)

(Datum van inwerkingtree, 28 Julie 1926.*)

(Engelse kopie deur Goewerneur-generaal geteken.)

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

INLEIDING.

1. Die Wette genoem in die Eerste Bylae van hierdie Ordonnansie is en word hierby herroep in so ver as vermeld in die tweede kolom van sulke bylae.

Herroeping van wette.

2. In hierdie Ordonnansie sal, tensy in stryd met die samehang—

Verklaring van uitdrukkings.

“Administrateur” beteken die amptenaar benoem kragtens subartikkel (1) van artikkel *ag-estig* van die Suidafrika Wet 1909, en enige wysiging daarvan, handelende op die advies en met die toestemming van die Uitvoerende Komitee van die Provinsie ;

* Proklamasie No. 47, *Prowinsiale Koerant*, dato 28 Julie 1926, bladsy 53.

Ord. No. 10
van 1926.

EEN ORDONANTIE

Tot wijziging van de Schutten Ordonantie, 1913.

(Goedgekeur 30 Junie 1926.)

(Datum van inwerkingtree, 14 Julie 1926.)

(Engelse kopie deur Goeuverneur-generaal geteken.)

ZIJ HET BEPAALD door de Provinciale Raad van Transvaal als volgt :—

Wijziging van artikel 27 van hoofdordonantie.

1. Artikel *zeven en twintig* van de Schutten Ordonantie 1913 (hierna in deze Ordonantie de hoofdordonantie genoemd) zal zijn en wordt hierbij gewijzigd—

(1) door toevoeging na de woorden “magistraat van het distrikt” in subsektie (3) van de woorden “of enig vrederechter of kommissaris van ede”;

(2) door daaraan de volgende nieuwe subsektie (4) toe te voegen :—

“ (4) Niettegenstaande enigiets daarmee in strijd in deze ordonantie vervat, zal 'n eigeenaar van grond het recht hebben boven enig ander bedrag hierin bepaald te eisen en in te vorderen van de eigeenaar van te schutten vee overtredingsfooiën overeenkomstig de volgende schaal :—

voor ieder stuk grootvee	}	op omheinde	
		landen ...	1s.
		op niet-omheinde	
		de landen ...	9d.
		op open veld ...	6d.
voor ieder stuk kleinvee	}	op omheinde	
		landen ...	2d.
		op niet-omheinde	
		de landen of	
		open veld ...	1d.”

Wijziging van artikel 34 van hoofdordonantie.

2. Artikel *vier en dertig* van de hoofdordonantie zal zijn en wordt hierbij gewijzigd door toevoeging na de woorden “twee en veertig dagen” in de voorwaarde, van de volgende woorden :—“in het geval van vee met uitzondering van

donkies en in het geval van donkies voor meer dan veertien dagen.”

'N ORDONNANSIEOrd. No. 9
van 1926.

Tot aanwending van 'n verdere som geld vir die diens van die Provinsie Transvaal, gedurende die jaar geëindig op die 31ste dag van Maart 1925, ter bekostiging van sekere nie-gemagtigde uitgawe.

(Goedgekeur 28 Junie 1926.)

(Datum van inwerkingtree, 7 Julie 1926.)

(Engelse kopie deur Goewerneur-generaal geteken.)

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

1. Die Prowinsiale Inkomstefonds is hierby belas met die som van vierduisend driehonderd en sewe-en-dertig pond twaalf shillings en elf pennies tot dekking van sekere uitgawe oor en bo die bedrae toegeëien vir die diens van die Provinsie vir die jaar geëindig op die 31ste dag van Maart 1925. Sodanige uitgawe is vermeld in die skedule tot hierdie Ordonnansie en is meer in besonderhede uiteengesit op bladsy 23 van die Rapport van die Prowinsiale Ouditeur van Rekeningne vir die jaar 1924-1925 en in die Rapport van die Gekose Komitee op Publieke Rekeningne No. T.P.G.K. 2 van 1926.

Prowinsiale
Inkomste-
fonds belas
met
£4,337. 12s.
11d.

2. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Nie-gemagtigde Uitgawe (1924-25) Ordonnansie, 1926.

Korte titel.

Skedule.

No. van Pos.	Diens.	Kolom 1.	Kolom 5.
2	Toelaag aan Potchefstroom Nywerheidskool	—	£67 10 0
4	Vir salarisse en uitgawe ten opsigte van Wege en Plase-like Werke	£3,664 7 5	—
5	Vir onkoste ten opsigte van Kapitaaluitgawe aan :— Wege	—	605 15 6

Ord. No. 8 van 1926.	No. van Pos.	Diens.	Kolom 1. £	Kolom 2. £
		Toelae aan Tehuis die Goeie Herder, Johannesburg	—	225
		Toelae aan Germiston Weldadigheids Vereniging	—	495
		Toelae aan Vroue Sendingbond	—	180
		Toelae aan St. Mary's Weeshuis, Johan- nesburg	—	225
		Toelae aan Prinses Christiaan Tehuis, Pretoria	—	203
		Toelae aan Gilde van Loyale Vroue, Johannesburg, Gildewoning	—	270
		Toelae aan Bond van Suidafrikaanse Moeders, Pretoria	—	900
		Toelae aan Louis Botha Tehuis vir Kinders	—	720
		Toelae aan King Edward VII Orde van Verpleegsters	—	180
		Toelae aan Germiston Kinderwelvaart Vereniging	—	90
		Toelae aan Pretoria Kinderwelvaart Ver- eniging	—	90
		Toelae aan Johannesburg Hospitaal, Samaritaanfonds	—	150
		Toelae aan Nederd. Herv. Kerk Kom- missie vir Arme Blanke	—	2,650
		Toelae aan Epworth Kindertehuis	—	135
		Toelae aan Langlaagte Weeshuis	—	2,250
		Toelae aan Boksburg Weldadigheids Ver- eniging	—	200
		Toelae aan Benoni Weldadigheids Ver- eniging	—	180
		Toelae aan Brakpan Weldadigheids Ver- eniging	—	160
		Toelae aan Springs en Distrik Rooie Kruis Weldadigheids en Kinder Hulpver- eniging	—	130
		Toelae aan Roodepoort en Distrik Hulp- vereniging	—	150
		Toelae aan Potchefstroom en Distrik Kinderhulp en Weldadigheids Ver- eniging	—	960
		Toelae aan Wesrand Noodfonds... ..	—	135
		Toelae aan Kinder Toevlugsoord, Johan- nesburg	—	450
4.		Vir salarisse en onkoste vir Weë en Plaaslike Werke	308,043	—
		Insluitende die nagenoemde diens :— Hulp-toelae aan Plaaslike Outoriteite	—	22,200
5.		Vir salarisse en onkoste aan Gemengde Dienste	8,461	—
6.		Vir onkoste aan Rente en Aflossing	253,910	—
7.		Vir onkoste aan Kapitaaluitgawe	451,431	—
		Insluitende die nagenoemde dienste :—		
		Geboue	—	215,836
		Brugge	—	80,000
		Grond	—	14,400
		Weë	—	41,845
		Werkeloos	—	2,350
		Spesiale Toelae van Unie Regering vir Wegkonstruksie	—	70,000
		Konstruksie van Hoofrifweg	—	27,000

4. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Toeëienings (1926-1927) Ordonnansie, 1926.

Ord. No. 8
van 1926.

Skedule.

<i>No. van</i>	<i>Pos.</i>	<i>Diens.</i>	<i>Kolom 1.</i>	<i>Kolom 2.</i>
			£	£
1.	Vir salarisse en onkoste vir Algemene Administrasie		88,068	—
	Insluitende die nagenoemde dienste :—			
	Hulptoelae aan Publieke Biblioteke ...		—	1,500
2.	Vir salarisse en onkoste vir Onderwys ...		2,618,648	—
	Insluitende die nagenoemde dienste :—			
	Toelae aan ondersteunde plaasskole ...		—	3,530
	Toelae aan private skole... ..		—	4,250
	Toelae vir onderhoud van blinde en doof- stomme aan die Worcester Instituut en soortgelyke inrigtinge		—	3,300
	Toelae vir onderwys aan naturellekinders		—	61,450
	Vir salarisse en onkoste vir Hospitale en Liefdadige Instellings, met inbegrip van Armesorg		416,820	—
	Insluitende die nagenoemde dienste :—			
	Toelae aan Elim Hospitaal		—	1,000
	Toelae aan Victoria Kraamvroue-inrig- ting, Pretoria		—	850
	Toelae aan Potchefstroom Woninghospi- taal		—	850
	Toelae aan Hope Herstellingstehuis vir Kinders		—	1,500
	Toelae aan Ermelo Hospitaal		—	500
	Toelae aan Suidafrikaanse Hospitaal ...		—	150
	Toelae aan Heidelberg Hospitaal ...		—	650
	Toelae aan Schweizer Reneke Woning- hospitaal... ..		—	300
	Toelae aan Middelburg Hospitaal ...		—	700
	Toelae aan Roodepoort-Maraisburg Hos- pitaal		—	500
	Toelae aan Bochem Hospitaal		—	90
	Toelae aan Duivelskloof Hospitaal ...		—	250
	Toelae aan Jane Furze Gedenkhospitaal		—	237
	Toelae aan Sabi Hospitaal		—	200
	Toelae aan M'phahlele Lokasie Hospitaal		—	140
	Toelae aan Standerton Hospitaal ...		—	350
	Toelae aan Lydenburg Hospitaal ...		—	600
	Toelae aan Oosrand Hospitaal		—	3,000
	Toelae aan Rustenburg Hospitaal ...		—	550
	Toelae aan Lichtenburg Hospitaal ...		—	450
	Toelae aan Wolmaransstad Hospitaal ...		—	1,000
	Toelae aan Rand Hulpvereniging ...		—	11,000
	Toelae aan Pretoria Weldadigheids Ver- eniging		—	1,800
	Toelae aan Johannesburg Kinder Tehuis		—	900
	Toelae aan Kinder Hulpvereniging, Johannesburg		—	1,350
	Toelae aan St. George Tehuis vir Jongens, Johannesburg		—	540
	Toelae aan Oue Manne- en Vrouehuis, Krugersdorp		—	315
	Toelae aan Huis van Genade, Irene ...		—	315
	Toelae aan Reddingshuis, Pretoria ...		—	495
	Toelae aan Heilsleër		—	645

Ord. No. 8
van 1926.

'N ORDONNANSIE

Tot aanwending van 'n som van hoogstens £4,145,381
vir die diens van die Provinsie Transvaal, gedurende
die jaar wat eindig op die 31ste dag van Maart 1927

(Goedgekeur 15 Mei 1926.)

(Datum van inwerkingtree, 9 Junie 1926.)

(Engelse kopie deur Goewerneur-generaal geteken.)

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

Prowinsiale
Inkomste-
fonds belas
met
£4,145,381.

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 1927, in
die geheel die som van vier miljoen eenhonderd
vyf-en-veertig duisend driehonderd een-en-tagtig
pond nie te bowegaande nie, as volg :—

Vir bstryding van gewone of periodieke uitgawe	£3,693,950
Vir bstryding van kapitaal of nie-periodieke uitgawe	£451,431

Aanwending
van gelde.

2. Die geld deur hierdie Ordonnansie toegeëien
sal aangewend word vir die diens wat omskryf
is in bygevoegde skedule en meer in die be-
sonder gespesifiseer in die Begroting van Uitgawe
(No. T.P. 3 en 4 van 1926), soos deur die
Prowinsiale Raad goedgekeur en onderwerp aan
artikel *drie* hiervan en vir geen ander doel nie.

Administra-
teur mag
wysigings
magtig.

3. Met die goedkeuring van die Administrateur,
wat handel met die toestemming van die Uit-
voerende Komitee, kan 'n besparing op enige
subhoof van 'n pos aangewend word tot dekking
van meerdere uitgawe onder enige andere subhoof
of uitgawe, onder 'n nuwe subhoof van dieselfde
pos, mits dat geen meerdere uitgawe sal gedaan
word nie op die somme wat voorkom in kolom 2
van bygevoegde skedule, ewemin sal besparinge
daarop beskikbaar wees vir enige doel ander da-
dat waarvoor die geld hierby toegestaan word.

“hospitaal” en het in de plaats stellen van de volgende definitie :—

Ord. No. 7
van 1926.

“‘Hospitaal’ zal betekenen enige inrichting waarin voorzien is in zes of meer bedden voor personen welke mediese behandeling en/of geoeffende verpleging behoeven, mits dat de uitdrukking ‘hospitaal’ niet zal insluiten enig hospitaal genoemd in de schedule tot deze ordonantie of enig hospitaal hetwelk geheel uit Provinciale of andere publieke fondsen onderhouden wordt.”

2. Artikel *vijf* van de hoofdordonantie zal zijn en wordt hierbij gewijzigd door toevoeging na subsektie (1) van de volgende nieuwe subsekties, subsektie (2) zoals oorspronkelijk bepaald beschouwd te worden als subsektie (4) :—

Wijziging van
Artikel *vijf*.

“(2) Niettegenstaande enigiets daarmee in strijd in dit artikel vervat mag ’n bestuurder van enig hospitaal hetwelk gedeeltelik onderhouden wordt uit fondsen door de Provinciale Administratie verstrekt met de schriftelike vergunning van de Administrateur aan ’n verpleegster toestaan het verlof bijeen te nemen voorgeschreven in paragraaf (a) van subseksie (1) van dit artiekel van hoogstens vier dagen of vier nachten, naar gelang van omstandigheden, en zodanig bestuurder mag ook met de schriftelike vergunning van de Administrateur die achtereenvolgende uren verminderen voorgeschreven in paragraaf (c) tot twee uren.

“(3) Behalve het verlof voorgeschreven in dit artikel zal ’n verpleegster recht hebben op afwezigheidsverlof met vol salaris voor ’n tydperk van een en twintig dagen ten opzichte van elke twaalf maanden onafgebroken dienst met dezelfde werkgever.”

3. Deze ordonantie mag voor alle doeleinden aangehaald worden als de Private Hospitalen Wijzigings Ordonantie, 1926.

Korte titel.

Schedule.

Barberton.
Boksburg.
Germiston.
Johannesburg.

Klerksdorp.
Krugersdorp.
Pietersburg.
Pretoria.

ONGEDIERTE UITROEIINGS WYSIGINGS.
PRIVATE HOSPITALEN WIJZIGINGS.

10

Ord. No. 6
van 1926.

die skriftelike vergunning van sodanige plaaslike outoriteit verkry is in welk geval die bepalings van artikel *sewe* van hierdie Ordonnansie nie op sodanige plaaslike outoriteit toepaslik sal wees nie."

Wysiging van artikel 6 van hoofordonnansie. **2.** Artikel *ses* van die hoofordonnansie sal wees en word hierby gewysig deur die voorwaarde daartoe te skrap.

Wysiging van artikel 10 van hoofordonnansie. **3.** Artikel *tien* van die hoofordonnansie sal wees en word hierby gewysig deur toevoeging van die volgende paragraaf :—

"(5) Dat indien 'n lid van 'n ongedierteklub nie geregtig tot vrystelling in terme van hierdie artikel die belasting sal betaal voorgeskryf in die Registrasie van en Kontrole op Honde Wet, 1907, of enig amendement daarop in enig kalenderjaar vir enige hond geregistreer in terme van subseksie (1) van hierdie artikel, sal sodanig lid by voldoening aan die verdere vereistes van hierdie artikel gedurende dieselfde kalenderjaar reg het op terugbetaling van die belasting aldus betaal op applikasie in die voorgeskrewe vorm vergesel van 'n sertifikaat van die sekretaris van sy klub dat hy aan sodanige vereistes voldaan het."

Korte tittel. **4.** Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Ongedierde Uitroeings Wysigings Ordonnansie, 1926.

Ord. No. 7
van 1926.

EEN ORDONANTIE

Tot Wijziging van de Private Hospitalen
Ordonantie, 1919.

(Goedgekeur 23 April 1926)

(Datum van inwerkingtree, 12 Mei 1926.)

(Engelse kopie deur Goeuverneur-generaal geteken.)

ZIJ HET BEPAALD door de Provinciale Raad van Transvaal als volgt :—

Wijziging van Artikel *een*. **1.** Artikel *een* van de Private Hospitalen Ordonantie, 1919 (hierna de hoofordonantie genoemd) zal zijn en wordt hierbij gewijzigd door schrapping van de definitie van het woord

wees vir sodanig tydperk as die Administrateur mag bepaal.

Ord. No. 5
van 1926.

6. Enig persoon wat skuldig bevind is aan 'n oortreding op hierdie Ordonnansie of enige regulasie daaronder opgemaak sal by veroordeling blootstaan aan 'n boete van hoogstens vyftig ponde of by wanbetaling aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens ses maande.

Straf-
bepalings.

7. Die Administrateur mag regulasies maak— Regulasies.

- (a) wat die verstrekking verplig van enige informasie of dokumente wat betrekking het op die beheer van 'n Liefdadige Instelling ;
- (b) vir die inspeksie van die rekenings van 'n Liefdadige Instelling ;
- (c) vir die toegang deur 'n gemagtigde amptenaar tot enig eiendom wat toebehoor aan of in die besit is van 'n Liefdadige Instelling ;
- (d) waarin van 'n Liefdadige Instelling gevorder word aantekening te hou van alle gevalle van persone wat assistensie ontvang of daarom vra van sodanige Liefdadige Instelling en die vorm voor te skryf waarin sodanige aantekening sal gehou word.

8. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Liefdadige Instellings (Kontrole) Ordonnansie, 1926.

Korte tiitel.

'N ORDONNANSIE

Tot Wysiging van die Ongedierte Uitroeings Ordonnansie, 1925.

Ord. No. 6
van 1926.

(Goedgekeur 23 April 1926.)

(Datum van inwerkingtree, 19 Mei 1926.)

(Engelse kopie deur Goewerneur-generaal geteken.)

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

1. Artikel twee van die Ongedierte Uitroeings Ordonnansie, 1925 (hierna die hoofordonnansie genoem), sal wees en word hierby gewysig deur die volgende woorde daaraan toe te voeg:—

Wysiging van
artikel 2
van hoof-
ordonnansie.

“Nieteenstaande enigiets daarmee in stryd in hierdie artikel, sal 'n ongedierteklub die reg hê ongedierte te jaag op enige grond die eiendom van 'n plaaslike outoriteit, mits dat

Ord. No. 5
van 1926.

(2) 'n Applikasie vir 'n sertifikaat sal—

(a) die reëling omskryf gemaak of voorgestel gemaak te word vir die beheer van die liefdadige instelling ;

(b) inhou of al of nie betaling plaas het of voorgestel word plaas te het aan insamelaars van fondse vir liefdadige instelling, en so ja volgens welke skaal of basis betaling plaas het of voorgestel word plaas te het, en

(c) sodanige verdere informasie bevat as deur die Administrateur mag verlang word op sodanig vorm as hy mag voorskryf.

Ingeval bevind word nadat 'n sertifikaat uitgereik is dat die informasie verstrekkragtens hierdie subseksie onjuis is, mag die Administrateur sodanig sertifikaat onmiddellik intrek.

(3) Enig persoon wat 'n liefdadige instelling beheer in stryd met die bepalings van hierdie artikel sal skuldig wees aan 'n oortreding op hierdie Ordonnansie.

Sertifikaat
mag ingetrek
word.

3. (1) Die Administrateur mag te eniger tyd na diskresie enig sertifikaat uitgereik kragtens die bepalings van die voorafgaande artikel intrek.

(2) Ingeval van intrekking van enig sertifikaat uitgereik kragtens die bepalings van hierdie artikel, sal die persoon op wie se naam sodanig sertifikaat was uitgereik die sertifikaat binne 'n tydperk van veertien dae van die datum van kennisgewing van die beslissing van die Administrateur om die sertifikaat in te trek, aan die Administrateur terugstuur. Enig persoon wat versuim die sertifikaat binne die voorgesegde tyd terug te stuur sal skuldig wees aan 'n oortreding.

Oortreding—
verbeurdver-
klaring van
ingesamelde
geld.

4. Enig persoon wat 'n beroep doen of assistensie vra in kontante of in goedere vir die instandhouding, beheer of bestuur van 'n Liefdadige Instelling wat nie in die besit is van 'n geldig sertifikaat nie, sal skuldig wees aan 'n oortreding op hierdie Ordonnansie en die Magistraat mag gelas dat enige gelde gekollekteer in stryd met die bepalings van hierdie artikel aan die Administrateur sal betaal word wat sodanige gelde vir sodanige liefdadige doeleindes sal bestem as hy mag beslis.

Vrystellings.

5. Die Administrateur mag na diskresie enige kerk of godsdienstig liggaam vrystel van die bepalings van hierdie Ordonnansie, en sodanige kerk of godsdienstig liggaam sal daarop 'n vrystellingsertifikaat verleen word wat geldig sal

'N ORDONNANSIE

Ord. No. 5
van 1926.

**Om Voorsiening te maak vir die Registrasie en Kontrole
van Liefdadige Instellings.**

(Goedgekeur 23 April 1926.)

(Datum van inwerkingtree, 19 Mei 1926.)

(Engelse kopie deur Goewerneur-generaal geteken.)

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

1. In hierdie Ordonnansie sal tensy onbestaan- Definiesies.
baar met die samehang :

“Administrateur” beteken die amptenaar be-
noem kragtens artikel *ag-en-sestig* van
die Suidafrika Wet, 1909, of: enig amende-
ment daarop, wat handel met die outoriteit
van die Uitvoerende Komitee ;

“sertifikaat” beteken 'n sertifikaat uitgereik
kragtens die bepalings van artikel *twee*
van hierdie Ordonnansie ;

“liefdadige instellings” beteken enige instel-
ling of organisasie wat kontribusies in geld
of goedere verkry uit bronne andere as die
Regering van die Unie of die Prowinsiale
Administrasie en sodanige kontribusies
geheel of gedeeltelik aanwend of as sy
voorneme te kenne gee aan te wend vir
die uitdeling van liefdegawe, aalmoese of
andere vorm van assistensie in geld of
goedere.

2. (1) Van en na 'n datum* wat deur die Administrateur per proklamasie in die *Prowinsiale Koerant* sal vasgestel word, sal dit nie wettig wees nie vir enige liefdadige instelling soos omskrewen in hierdie Ordonnansie te bestaan tensy die komitee of persoon aansprakelik vir die beheer daarvan in besit is van 'n sertifikaat van registrasie, wat deur die Administrateur mag uitgereik word.

Sertifikaat
van
Registrasie.

* 1 September 1926, Proklamasie No. 34, *Prowinsiale Koerant*, dato 19 Mei 1926, bladsy 515.

Ord. No. 4
van 1926.

'N ORDONNANSIE

**Tot wysiging van die Hoofbelasting Ordonnansie,
No. 7 van 1921.**

(Goedgekeur 13 April 1926.)

(Datum van inwerkingtree, 5 Mei 1926.)

(Engelse kopie deur Goewerneur-generaal geteken.)

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

Belasting
mag in
termyne
betaal word.

1. Nieteenstaande enigiets daarmee in stryd in die Hoofbelasting Ordonnansie No. 7 van 1921 of enig amendement daarop, mag enig persoon aan die belasting onderhewig applikasie maak by die inkomste-amptenaar van die distrik waarin hy woon voor die 15de dag van September, dog in elk geval nie later as die 4de dag van Oktober in enig jaar nie vir 'n verlenging van tyd waarin hy sy belasting moet betaal vir die lopende jaar of om vergunning sodanige belasting in termyne te betaal en indien die inkomste-amptenaar oortuig is dat sodanig persoon nie in staat is nie die belasting op die vasgestelde datum te betaal dan sal hy of 'n verlenging van tyd toestaan binne welke betaling mag gemaak word of toestem betaling in termyne aan te neem in elk geval sonder boete; mits egter, dat in geval enig persoon nalaat te voldoen aan enige voorwaardes waarop sodanige verlenging of vergunning deur die inkomste-amptenaar verleen is, die volle bedrag van die belasting en boete onmiddellik verskuldig en betaalbaar sal word as of geen sodanige verlenging of vergunning verleen was nie; en mits verder dat van sodanig bedrag die bedrag sal afgetrek word van enige termyn reeds vroeër betaal ooreenkomstig die voorwaardes waarop vergunning verleen was.

Korte tiétel.

2. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Hoofbelasting Wysigings Ordonnansie, 1926.

dat die bedrag van £15 minder is as 1 per-
sent van die profyte as voorsê, sal die lisen-
siehouer daarop die verskil betaal tussen £15
en die bedrag opgegee as voorsê. In die
geval dat die bedrag van £15 meer is as die
bedrag opgegee as voorsê, sal die verskil aan
die lisen siehouer terugbetaal word ;

**Ord. No. 3
van 1926.**

mits dat die bedrag betaalbaar vir enige lisensie
nie minder as vyf nie of meer as vyftig ponde
sal wees.

5. Die Administrateur mag enige lisensie uit-
gereik kragtens die bepalings van hierdie Ordon-
nansie intrek in die geval dat die houer daarvan
skuldig bevind word aan 'n oortreding op die
bepalings daarvan. Lisensie mag
ingetrek
word.

6. (1) Dit sal die houer van enige lisensie uit-
gereik kragtens die bepalings van hierdie Ordon-
nansie nie vergun wees nie enig persoon onder
die leeftyd van 16 jare toe te staan enige honde-
reises te besoek of by te woon en die houer van
'n lisensie wat vergun dat enig persoon 'n honde-
reises besoek of bywoon in stryd met hierdie
artikel sal skuldig wees aan 'n oortreding. Persoon onder
leeftyd nie tot
reises toege-
laat te word
nie.

(2) Geen lisensie sal kragtens die bepalings van
artikel *drie* van hierdie Ordonnansie uitgereik
word nie tensy die Administrateur oortuig is dat
voldoende voorsiening gemaak is om te voorkom
dat persone onder die leeftyd van 16 jare
hondereises besoek of bywoon.

7. Enig persoon wat skuldig is aan 'n oortre-
ding op hierdie Ordonnansie sal by veroordeling
blootstaan aan 'n boete van hoogstens vyftig
ponde of by wanbetaling aan gevangenisstraf met
of sonder harde arbeid vir 'n tydperk van hoog-
stens drie maande. Straf-
bepalings..

8. Enig polisiebeampte met of bo die rang van
sersjant mag enige reisesbaan opgaan, gebruik
vir die doel van Hondereises, en enig persoon
wat enig sodanig beampte in die uitoefening van
sy bevoegdhede kragtens hierdie artikel sal weer-
staan, hinder of belemmer, sal skuldig wees aan
'n oortreding op hierdie Ordonnansie. Polisie mag
reisesbaan
opgaan.

9. Hierdie Ordonnansie mag vir alle doel-
eindes aangehaal word as die Hondereises
(Kontrole) Ordonnansie, 1926. Korte tittel.

**Ord. No. 3
van 1926.**

die Suid-Afrika Wet 1909 en enig amende-
ment daarop, wat handel op die outoriteit
van die Uitvoerende Komitee.

“Profyte” beteken die verskil tussen die
waarde van die gekoopte kaartjies en die
bedrag aan winste uitbetaal.

Lisensie
uitgeneem te
word.

2. Van en na 'n datum* wat deur die Admini-
strateur by proklamasie in die *Provinciale Koerant*
sal vasgestel word, sal dit nie wettig wees
nie vir enig persoon 'n hondereisies te hou tensy
sodanig persoon in die besit is van 'n lisensie wat
sal uitgeneem word soas hierna bepaal. Enig
persoon wat 'n hondereisies hou of organiseer in
stryd met hierdie artikel sal skuldig wees aan
n oortreding.

Applikasie
vir lisensie.

3. Enig persoon wat 'n lisensie wens uit te
neem sal aan die Administrateur aplikasie maak
wat na eie diskresie sodanig lisensie mag uitreik
wat geldig sal wees vir 'n tydperk van een jaar
van die datum van uitreiking. Enige lisen-
sie uitgereik kragtens die bepalings van hierdie
artikel sal die aantal reisies (hoogstens twee per
week) vermeld wat mag gehou word gedurende
die geldigheid daarvan en die baan waarop soda-
nige reisies mag gehou word. Enig persoon wat
enige hondereisies hou bo die aantal in die
lisensie vermeld of op enige andere baan as wat
in die lisensie genoem is, sal skuldig wees aan
'n oortreding op hierdie Ordonnansie.

Lisensiefooi.

4. Die fooi betaalbaar vir enige lisensie uitge-
reik kragtens die bepalings van die voorafgaande
artikel sal as volg aangeslaan word :—

(a) In die geval van 'n persoon wat honde-
reisies gehou het gedurende die twaalf
maande wat voorafgaan aan die datum waarop
die lisensie deur die Administrateur uitge-
reik word 1 persent op die profyte van enige
totalisator gebruik gedurende dié tydperk.

(b) In die geval van iemand wat geen honde-
reisies gehou het nie gedurende 'n tydperk
van twaalf maande voor aplikasie vir 'n lisen-
sie aan die Administrateur gemaak word sal
die fooi £15 wees, mits dat by afloop van een
jaar van die datum van die uitreiking van
die lisensie die lisenstehouer die Administra-
teur sal voorsien van 'n beëdigde verklaring
aantonende die profyte van enige totalisator
gebruik gedurende dié tydperk. In die geval

* 1 Augustus 1926, Proklamasie No. 35, *Provinciale Koerant*, dato 2 Junie
1926, bladsy 547.

eindig op die 31ste dag van Maart 1927, tot sulke tyd as die Raad daarvoor voorsiening gemaak het in 'n Toeëienings-ordonnansie.

Ord. No. 2
van 1926.

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 1927, en dadelik by die aanvang van sulke Toeëienings-ordonnansie sal hierdie Ordonnansie ophou van krag te wees, en uitkerings wat hieronder al gemaak is sal geag word uitkerings te wees gemaak kragtens die Toeëienings-ordonnansie en sal verantwoord word ooreenkomstig met die bepalinge daarvan; mits dat geen dienste waarop geen uitgawe was beloop nie gedurende die finansiële jaar wat eindig op die een-en-dertigste dag van Maart 1926, 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 1926-1927) Ordonnansie, 1926.

Korte tietael.

'N ORDONNANSIE

Ord. No. 3
van 1926.

Op die Kontrole van Hondereisies.

(Goedgekeur 13 April 1926.)

(Datum van inwerkingtree, 19 Mei 1926.)

(Engelse kopie deur Goewerneur-generaal geteken.)

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

1. In hierdie Ordonnansie sal, tensy onbestaanbaar met die samehang :—

“Administrateur” beteken die amptenaar benoem kragtens artikkel *ag-en-sestig* van

Definiesie.

Ord. No. 1
van 1926.

Skedule.

No. van Pos.	Diens.	Kolom 1.	Kolom 2.
		£	£
1	Vir salarisse en onkoste ten behoeve van algemene administrateur	934	
2	Vir salarisse en onkoste ten behoeve van Onderwys	1,230	
	Met inbegrip van die nagenoemde diens:—		
	Hulptoelae, Onderwys van Naturelle-kinders	—	1,230
3	Vir salarisse en onkoste ten behoeve van Hospitale en Liefdadigheidsinrigtings, met inbegrip van Armesorg ...	3,929	
	Met inbegrip van die nagenoemde dienste:—		
	Toelaag aan Duivelskloof Hospitaal ...	—	47
	Toelaag aan Wesrand Noodfonds... ..	—	135
4	Vir salarisse en onkoste ten behoeve van Weë en Plaselike Werke	7,825	
5	Vir salarisse en onkoste ten behoeve van allerlei dienste	188	
7	Vir Kapitaalluitgawe	10,579	
		£24,685	

Ord. No. 2
van 1926.

'N ORDONNANSIE

Tot aanwending van 'n som van hoogstens £400,000 vir die dienste van die Provinsie Transvaal, gedurende die jaar wat eindig op die 31ste dag van Maart 1927.

(Goedgekeur 20 Maart 1926.)

(Datum van inwerkingtree, 24 Maart 1926.)

(Engelse kopie deur Goewerneur-generaal geteken.)

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

£400,000 mag verstrekk word uit die Prowinsiale Inkomstefonds.

1. Op en na die eerste dag van April 1926 mag uit die Prowinsiale Inkomstefonds sulke somme geld verstrekk word, by mekaar geneem nie meer te bedraag dan die som van vierhonderd duisend pond nie, soos van tyd tot tyd mag nodig wees vir die diens van die Provinsie, vir die jaar wat

'N ORDONNANSIE

Ord. No. 1
van 1926.

**Tot aanwending van 'n verdere som geld van hoogstens
£24,685 vir die diens van die Provinsie Transvaal
vir die tydperk van die 1ste dag van April 1925 tot
die 31ste dag van Maart 1926.**

(Goedgekeur 20 Maart 1926.)

(Datum van inwerkingtree, 24 Maart 1926.)

(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 1925 tot die 31ste dag van Maart 1926, albei dae inbegrepe, met 'n verdere som van hoogstens vier-en-twintig duisend seshonderd vyf-en-tagtig pond bowe die somme waarin voorsien is deur die Toeëienings (1925–1926) Ordonnansie, 1925. Prowinsiale
Inkomste-
fonds belas
met £24,685.
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. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Addisionele Toeëienings (1925–1926) Ordonnansie, 1926. Korte tiel.

INHOUD.

NOMMER VAN ORDONNANSIE.	TITEL.	BLADSY.
1926.		
1	Addisionele Toeëienings (1925-26)	1
2	Toeëienings (Deel 1926-27)	2
3	Hondereisies (Kontrole)	3
4	Hoofbelasting Wysigings	6
5	Liefdadige Instellings (Kontrole)	7
6	Ongedierte Uitroeings Wysigings	9
7	Private Hospitalen Wijzigings	10
8	Toeëienings (1926-27)... ..	12
9	Nie-gematigde Uitgawe (1924-25)	15
10	Schutten Wijzigings	16
11	Plaaslik Bestuur	17
12	Algemene Handelaars (Kontrole)	160
13	Munisipale Hoofweë	165

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6718—31/8/26—1200.

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UNIVERSITEIT VAN PRETORIA

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TRANSVAAL



ORDONNANSIES
VAN
DIE PROVINSIE TRANSVAAL
1926

GEPUBLISEER OP LAS

En gedruk onder toesig van die Goewermentsdrukker

PRETORIA
DIE GOEWERMENTSDRUKKERY EN KANTOOR VAN SKRYFBEHOEFTES
1926